

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Planning  
Committee

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Monday, 12<sup>th</sup> January 2026

Dear Councillor,

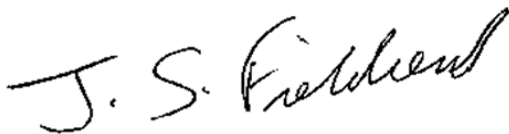
**PLANNING COMMITTEE**

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held in the Council Chamber on Wednesday, 21<sup>st</sup> January, 2026 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3 onwards.

Yours faithfully,



Solicitor to the Council & Monitoring Officer

### **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

#### **Access for All statement**

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- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**PLANNING COMMITTEE  
AGENDA**

***Wednesday, 21<sup>st</sup> January, 2026 at 10:00 hours taking place in the Council Chamber, The  
Arc, Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>  To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
<b>3.</b>	<b>Declarations of Interest</b>  Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:  a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
<b>4.</b>	<b>Minutes</b>  To consider the minutes of the last meeting held on 10 <sup>th</sup> December 2025.  <b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	<b>4 - 26</b>
<b>5.</b>	<b>Application no. 25/00454/OUT - Land at Hill Top Farm, Chesterfield Road, New Houghton</b>	<b>27 - 41</b>
<b>6.</b>	<b>Application no. 25/00433/OTHER - Land Between Welbeck Road and Oxcroft Lane, Bolsover</b>	<b>42 - 74</b>
<b>7.</b>	<b>Application no. 25/00069/REM - Land Between Welbeck Road and Oxcroft Lane, Bolsover</b>  <b><u>REPORTS OF THE INTERIM DIRECTOR OF PLANNING, DEVOLUTION AND CORPORATE POLICY</u></b>	<b>75 - 121</b>
<b>8.</b>	<b>6 Monthly Appeal Decisions Report: July 2025 - December 2025</b>	<b>122 - 131</b>
<b>9.</b>	<b>6 Monthly Enforcement Report: July - December 2025</b>	<b>132 - 139</b>

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 10<sup>th</sup> December 2025 at 10:00 hours.

### PRESENT:-

Members:-

Councillor John Ritchie in the Chair

Councillors Catherine Tite (Vice-Chair), Steve Fritchley, Rob Hiney-Saunders, Tom Munro, Sally Renshaw, Phil Smith, Janet Tait and Deborah Watson.

Officers:- Sarah Kay (Interim Director of Planning, Devolution and Corporate Policy), Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Chris Whitmore (Development Management and Land Charges Manager), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Julie-Anne Middleditch (Principal Planning Policy Officer), Matt Connley (Leisure Facilities Planning & Development Manager), Dan Oakley (Community Arts Development Officer), Jonathan Gaynor (Principal Planner), Peter Sawdon (Principal Planner), Coby Bunyan (Scrutiny Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, were Councillors Cathy Jeffery and Clive Moesby.

### PL48-25/26 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Chris Kane.

### PL49-25/26 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

### PL50-25/26 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
PL53-25/26	Councillor Sally Renshaw	As a Member of the Planning Committee, Councillor Sally Renshaw declared an interest in Item 7 being the local Ward Member and having likely a predetermined position.

### PL51-25/26 MINUTES

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 29<sup>th</sup> October 2025 be approved as a true and correct record.

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### **PL52-25/26          APPLICATION NOS. 25/00433/OTHER AND 25/00069/REM - LAND BETWEEN WELBECK ROAD AND OXCROFT LANE, BOLSOVER**

The Interim Director of Planning, Devolution and Corporate Policy explained the relation between Application Nos. 25/00433/OTHER and 25/00069/REM and the request by Derbyshire County Council (DCC) to defer Application No. 25/00433/OTHER while a new viability assessment is undertaken.

Officers sought a deferral for both applications to a future Committee meeting for the Council, the applicant and DCC to discuss an agreeable solution to the potential developer contributions and allow DCC to commission their own viability appraisal.

9 in favour  
0 against

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro

**RESOLVED** that Application Nos. 25/00433/OTHER and 25/00069/REM be deferred to a future meeting while the Council, the applicant and Derbyshire County Council discuss an agreeable solution to the potential developer contributions and allow Derbyshire County Council to commission their own viability appraisal.

*Councillor Cathy Jeffery left the meeting at 10:07 hours.*

*Councillor Sally Renshaw took no part in the following item.*

### **PL53-25/26          APPLICATION NO. 25/00184/FUL - GARAGE SITE TO THE WEST OF 283 ALFRETON ROAD, BLACKWELL**

The Development Management and Land Charges Manager explained that the item was deferred from the Committee's 29<sup>th</sup> October 2025 meeting to give the applicant an opportunity to address concerns that the proposals would result in the overdevelopment of the site and to consider increasing the number of car parking spaces.

Following deferral of the application, the applicant had reduced the overall footprint of the building, setting it back slightly so that the principal elevation was broadly in-line with the adjacent dwelling. 2 additional parking spaces at the front of the site had also been added (providing 6 spaces in total to satisfy the development plan requirement of the Local Highway Authority standards), providing a policy compliant level of parking.

The amenity spaces serving the development had reduced. However, they were considered to be acceptable and in accordance with the relevant provisions of the development plan and it remained that the proposed building in terms of its siting, scale and design would not result in unacceptable overbearing or overshadowing effects or result in a significant loss of privacy. A recommendation of approval was put forward on this basis.

Further submissions had been received and were detailed in the supplementary document.

Jon Pilkington, the Agent, spoke in favour of the application.

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To a question on the boundary of the application, Jon Pilkington informed it would remain what currently existed with the garage structures: 1.8 metres.

8 in favour

0 against

Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that application no. 25/00184/FUL be **APPROVED** subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted must be carried out in accordance with the following:
  - Proposed site layout, elevations and floor plans (dwg no. PA/24-023 SK 80 01 E) received on the 14<sup>th</sup> November 2025.
  - Preliminary Ecological Appraisal Report received on the 14<sup>th</sup> April 2025.
  - Coal Mining Risk Assessment received on the 25<sup>th</sup> June 2025.
3. No development shall take place above foundation level of the apartment block until such time that samples of the materials and finishes (brick, roof tile, render) have been submitted to and approved in writing by the Local Planning Authority.
4. The development hereby approved must not become occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be completed before the building is first occupied or such other timetable as may first have been approved in writing with the Local Planning Authority.
5. The development hereby approved must not become occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority, and the works must be carried out as approved.
6. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it must be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
7. Prior to the installation of lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved

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measures will be implemented in full.

8. Prior to building works commencing above foundation level, a Species Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. Approved measures must be implemented in full and maintained thereafter. The Plan must clearly show positions, specifications and numbers of features.
9. The development hereby approved must not be occupied until the access, parking and turning facilities have been provided as shown on drawing (dwg no. PA/24-023 SK 80 01 E) received on the 14th November 2025.
10. No development shall commence (excluding demolition) until;
  - a) scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to the Local Planning Authority for approval in writing. This document must confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
12. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
  - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b) The contaminated land assessment must include a desk-study with details of the history of the site use including:
    - the likely presence of potentially hazardous materials and substances,
    - their likely nature, extent and scale,
    - whether or not they originated from the site,
    - a conceptual model of pollutant-receptor linkages,
    - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,

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- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy.

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

### 13. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme must have regard to relevant current guidance. The approved scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer must give at least 14 days notice to the Local Planning Authority prior to commencing works in connection with the remediation scheme.

### 14. The development hereby approved must not become occupied until:

- a) The approved remediation works required by condition 13 above, have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 12 and satisfy 14a above.
- c) Upon completion of the remediation works required a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.



## **PLANNING COMMITTEE**

### **Reasons for Condition(s)**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development takes the form as envisaged by the Local Planning Authority, and for the avoidance of doubt.
3. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
4. To ensure a satisfactory appearance of the completed development and to ensure that adequate privacy is provided for new and existing residents. In the interests of amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
5. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
6. To ensure that the landscaping for the proposed development can establish. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
7. To ensure that bats and other nocturnal species are not adversely affected by artificial light. In the interests of biodiversity and in compliance with policies SS1, SC2 and SC9 of the adopted Local Plan.
8. In the interests of biodiversity net gain, and the enhancement / creation of other nature conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
9. To ensure conformity with submitted details. In the interests of highway safety and to ensure that the layout provides sufficient access for vehicles. In compliance with policies SS1, SC2, SC3, and ITCR10 of the adopted Local Plan.
10. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.
11. The undertaking of intrusive site investigations is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with

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paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.

- 12.To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.
- 13.To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.
- 14.To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.

### **Note(s):**

#### **1. Stopping Up/Diversion of Adopted Highway**

You are advised that to facilitate the development an order must be obtained to divert the adopted highway under sections 247 of the Town and Country Planning Act 1990. Contact the National Transport Casework team. As part of the consultation process, associated with such applications, the Highway Authority and other interested parties will be given the opportunity to object to the proposed stopping-up. It should be noted that the Highway Authority's acceptance of the proposals for planning purposes does not preclude an objection being raised by the Authority at this stage.

#### **2. Ground Investigations**

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property) What is a permit and how to get one? - GOV.UK ([www.gov.uk](http://www.gov.uk))

#### **3. Shallow Coal Seams**

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area

4. The sewer records show a public sewer within the area of the proposed work (plan enclosed). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously

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classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

5. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.
6. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.
7. This application will require the approval of a biodiversity gain plan before development commences, and as such you must adhere to the statutory requirements of the Biodiversity Gain Plan Advice Note provided below.

### **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

### **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

### **Human Rights Statement**

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

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*Councillor Sally Renshaw returned to the meeting at 10:17 hours.*

*Councillor Clive Moesby left the meeting at 10:18 hours.*

### **PL54-25/26          APPLICATION NO. 25/00302/FUL - HURST FARM MANSFIELD ROAD, TIBSHELF, ALFRETON**

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The application sought approval from the Committee for an Energy Storage System (ESS) at land at Hurst Farm, Tibshelf. The ESS would operate for a period of 40 years before the development was decommissioned and the land returned to its former state, except for the substation and associated infrastructure that would remain a permanent feature to be adopted by the Distribution Network Operator (DNO).

The application required the Committee's consideration in accordance with the officer scheme of delegation, as it was recommended for approval but was contrary to countryside policies in the Council's Local Plan.

Updated conditions were detailed in the supplementary document.

A Member provided thanks to the report and stated the site proved a substantial distance from the site of historical importance and that with natural tree foliage would be likely hidden / partially hidden for all but the winter months.

It was further noted there remained the need for nationally generated electricity to be stored in the UK to contribute all efforts towards the environment.

A Member noted a sympathetic rendering of the main buildings would contribute towards the proposed development's place within the natural landscape.

A Member observed the applicant would provide the Council with additional documentation regarding the Habitat Management and Monitoring Plan (to ensure targets were met). It was accepted that the proposal was located on greenfield land and there remained a need to guarantee any noise and light generated did not impact local wildlife.

A Member added to the previously raised environmental benefits the national security benefits such a proposal would bring.

The Chair noted the M1 Motorway could be seen from the site of historical importance – the proposal would likely have far less presence on the asset.

9 in favour  
0 against

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that application no. 25/00302/FUL be **APPROVED** subject to the following conditions:

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1. The development must be begun before the expiration of seven years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
  - Location Plan GBR\_Hurst Farm\_AD - SLP\_07 – Drawing no. AD-SLP, received 23<sup>rd</sup> July 2025;
  - Preliminary Design Layout GBR\_Hurst\_LP2-PDL-BESS\_05 – Drawing no. LP2-PDL, received 10<sup>th</sup> October 2025;
  - General Arrangement of Site Access - Drawing no. HFD-BWB-GEN-XX-DR-TR-101 S2 Rev. P7, received 10<sup>th</sup> October 2025;
  - General Arrangement of Access from Site to Road – Overview – Drawing no. HFD-BWB-HML-00-DR-TR-100 S2 Rev. P8, received 10<sup>th</sup> October 2025;
  - Landscape Strategy Plan – Drawing no. NT16771-020 Rev. P07, received 10<sup>th</sup> October 2015;
  - Ecological Impact Assessment Tree Retention and Removal Plan – Drawing no. 16625-P05d, received 11<sup>th</sup> July 2025;
  - Ecological Impact Assessment Bat Static Location Plan – Drawing no. 16625/P07, received 11<sup>th</sup> July 2025;
  - MV Skid Elevations UK\_EPD\_MV Skid\_00 – Drawing no. UK\_EPD\_MVS, received 30<sup>th</sup> July 2025;
  - Tree Constraints Plan – Drawing no. 16625/P04c, received 11<sup>th</sup> July 2025;
  - Existing and Proposed Ground Levels – Main Access GBR\_Hurst-Existing and Proposed Ground Levels - Main Access Track\_00 – Drawing no. 01, received 11<sup>th</sup> July 2025;
  - Proposed Ground Levels GBR\_Hurst-Proposed Ground Levels\_00 – Drawing no. 01, received 11<sup>th</sup> July 2025;
  - Proposed Ground Profiles – Energy Storage System Area GBR\_Hurst\_Proposed Ground Profiles – Energy Storage System Area\_00 – Drawing no. 01, received 11<sup>th</sup> July 2025;
  - Proposed Ground Profiles – Substation GBR\_Hurst\_Proposed Ground Profiles – Substation\_00 – Drawing no. 01, received 11<sup>th</sup> July 2025;
  - Emergency Access – Drawing no. HFD-BWB-GEN-XX-DR-TR-112 S2 Rev. P3, received 11<sup>th</sup> July 2025;
  - Auxiliary Transformer GBR\_EPD\_Auxiliary Transformer\_02 – Drawing no. GBR\_EPD\_AUX, received 11<sup>th</sup> July 2025;
  - BESS CCTV GBR\_EPD\_BESS CCTV\_00 – Drawing no. GBR\_EPD\_BCC, received 11<sup>th</sup> July 2025;
  - BESS Lighting GBR\_EPD\_BESS Lightning\_00 – Drawing no. GBR\_EPD\_BLG, received 11<sup>th</sup> July 2025;
  - BESS Security Fence GBR\_EPD\_BESS Security Fence\_02 – Drawing no. GBR\_EPD\_BSF, received 11<sup>th</sup> July 2025;
  - BESS Security Gate GBR\_EPD\_BESS Gate\_02 – Drawing no. GBR\_EPD\_BSG, received 11<sup>th</sup> July 2025;
  - DNO Generator GBR\_Hurst\_EPD\_DNO Generator\_00 – Drawing no. GBR\_EPD\_DNO GEN, received 11<sup>th</sup> July 2025;
  - DNO GRP GBR\_Hurst\_EPD\_DNO GRP\_00 – Drawing no. GBR\_EPD\_DNO GRP, received 11<sup>th</sup> July 2025;

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- EV Charger GBR\_Hurst\_EPD\_EV Charger\_00 – Drawing no. GBR\_EPD\_EVC, received 11<sup>th</sup> July 2025;
  - Entrance Wall and Gate GBR\_EPD\_Entrance Wall and Gate\_00 – Drawing no. GBR\_EPD\_EWG, received 11<sup>th</sup> July 2025;
  - Backup Generator GBR\_EPD\_Backup Generator 20\_00 – Drawing no. GBR\_EPD\_G20, received 11<sup>th</sup> July 2025;
  - GRP GBR\_EPD\_GRP\_00 – Drawing no. GBR\_EPD\_GRP, received 11<sup>th</sup> July 2025;
  - Monitoring House / Communication Building GBR\_EPD\_Monitoring House/Communication Building\_01 – Drawing no. GBR\_EPD\_MH/CB, received 11<sup>th</sup> July 2025;
  - Indicative Road Section GBR\_EPD\_Indicative Road Cross Section\_01 – Drawing no. GBR\_EPD\_RCS, received 11<sup>th</sup> July 2025;
  - Spares Container GBR\_EPD\_Spares 40' Container\_01 – Drawing no. GBR\_EPD\_S40, received 11<sup>th</sup> July 2025;
  - Storage GBR\_EPD\_Storage\_00 – Drawing no. GBR\_EPD\_STG, received 11<sup>th</sup> July 2025;
  - Substation GBR\_Hurst\_EPD-Substation\_00 – Drawing no. GBR\_EPD\_SUB, received 11<sup>th</sup> July 2025;
  - Toilet GBR\_EPD\_Toilet\_01 – Drawing no. GBR\_EPD\_TLT, received 11<sup>th</sup> July 2025;
  - BESS Enclosures UK\_EPD\_BESS Enclosures\_00 – Drawing no. UK\_EPD\_BSS, received 11<sup>th</sup> July 2025;
  - MV Skid UK\_EPD\_MV Skid\_00 – Drawing no. UK\_EPD\_MVS, received 11<sup>th</sup> July 2025.
3. Notwithstanding the details contained in the plans approved under condition 2, no development shall take place until full details of the final positioning, design, materials and colour of any above-ground buildings, structures and boundary treatments have been submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented in full and maintained as such thereafter.
4. The rating level of noise emitted from the BESS site shall not exceed the rating levels predicted in the Noise Impact Assessment prepared by BWB, dated 27/06/2025, as measured or calculated in accordance with BS 4142:2014+A1:2019. Within one month of the site becoming fully operational the site operator shall undertake measurements of noise from the site and through measurement and/or calculation assess the level of noise in terms of compliance with this condition. The results shall be submitted to the Planning Authority.
5. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
    - the likely presence of potentially hazardous materials and substances,
    - their likely nature, extent and scale,

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- whether or not they originated from the site,
- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

### 6. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable (having regard to relevant guidance) levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 7. No buildings hereby approved shall be occupied until:

- a) The approved remediation works required by condition 6 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in conditions 5b to 6 above and satisfy 7a above.
- c) Upon completion of the remediation works required by conditions 6 and 7a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality

## PLANNING COMMITTEE

Assurance / Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

8. Prior to any surfacing works being carried out on the access track and / or BESS compound, full details of the surfacing to be used on the access track and BESS compound must have been submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved details and maintained as such thereafter.
9. Prior to the installation of external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be designed to safeguard bats and other nocturnal wildlife, as well as protect visual amenity. The strategy shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. The strategy shall minimise the durations of use. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The strategy shall refer to the recommendations in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025). It shall also explain how proposals have been designed in compliance with Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall be implemented in full and maintained as such thereafter.
10. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall expand upon recommendations in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025). It shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to retained habitats, amphibians, water voles, nesting birds, hedgehog, bats and badger.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.



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11. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall clearly show positions, specifications and numbers of features, in line with those recommended in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025), as well as details of a wild bird mix to be included in landscaping at suitable places around the site boundary. The development shall be implemented in accordance with the approved details.
12. Notwithstanding the landscaping details hereby approved, an additional strategy / details relating to trees along the access track shall be submitted to and approved in writing by the Local Planning Authority, taking account of Derbyshire Wildlife Trust's comments on the potential for predatory birds using such trees and the need to avoid this issue. The approved supplementary details shall be implemented in collaboration with the other approved landscaping details, superseding them where there is an overlap.
- 13.13. A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site over the mandatory 30-year period and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>.
14. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
  - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Advisory routes for construction traffic;
  - Any temporary access to the site;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Highway Condition survey;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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15. The existing access to Hurst Farm, shown as 'secondary access' on the Preliminary Design Layout GBR\_Hurst\_LP2-PDL-BESS\_05 – Drawing no. LP2-PDL, received 10<sup>th</sup> October 2025, shall be used only in the case of an emergency and for no other purposes associated with the construction or operation of the development hereby permitted.
16. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on the revised submitted drawing(s).
17. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
18. Full details of the point of connection between the approved development and the local distribution network shall be submitted to and approved by the Local Planning Authority prior to the connection being made. The connection shall be designed to be as visually inobtrusive as possible, preferably with cabling being laid underground. The development shall be implemented in accordance with the approved details.
19. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a. Alex Eaton, BWB Consulting, June 2025, Flood Risk Assessment, Revision P03.
  - b. A Shademani, BWB Consulting, April 2025, Indicative Drainage Strategy Sheets 1-3, Drawing numbers: NT16771-020, 243787-BWB-ZZ-XX-D-W-0002 & 243787-BWB-ZZ-XX-D-W-0003, Revision P05.
  - c. A Shademani, BWB Consulting, April 2025, Indicative SuDS Sections, Drawing Number: 243787-BWB-ZZ-XX-D-W-0004, Revision P01.
  - d. A Shademani, June 2025, Sustainable Drainage Statement, Revision P03.
  - e. And DEFRA's national standards for sustainable drainage systems (June 2025), have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
20. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
21. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The

## PLANNING COMMITTEE

applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

22. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and,

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation.

23. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 22 and the provision to be made for publication and dissemination of results and archive deposition has been secured.

24. No above ground development shall commence until (excluding demolition of existing structures and site clearance);

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

25. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

## **PLANNING COMMITTEE**

26. Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of receipt of the Final Operational Notification (FON) from the District Network Operator (DNO) (or equivalent organisation). The FON shall be submitted to the local planning authority within 14 working days of the date of its receipt from the DNO.
27. Eighteen months before the end of the 40-year period taken from the FON date submitted under condition 26, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including::
1. details of the retention of the substation and associated apparatus to be adopted by the DNO, retention of any approved boundary treatment(s), retained and new landscape planting, and biodiversity enhancements to remain in perpetuity; and,
  2. a written scheme of restoration for returning the site to an arable field on cessation of energy storage at the site.

The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 26.

28. Notwithstanding the Outline Battery Safety Management Plan (OBSMP) submitted with the application, the development shall not be brought into use until a detailed Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP shall include Emergency Plans and Risk Assessments which will include the interfaces with external first responder organisations. The development shall be implemented in accordance with the approved BSMP.

### **Reasons for Conditions**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of proper planning and to define the scope of the permission.
3. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
4. To ensure an acceptable residential amenity in accordance with policy SC11 of the Local Plan for Bolsover District.
5. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.
6. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.

## **PLANNING COMMITTEE**

7. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.
8. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
9. To safeguard wildlife and visual and residential amenity, in accordance with policies SS1, SC9, SC3 and SC9 of the Local Plan for Bolsover District.
10. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
11. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
12. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
13. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District and the mandatory BNG provisions.
14. In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with policy ITCR10 of the Local Plan for Bolsover District.
15. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
16. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
17. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
18. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
19. To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided in accordance with policy SC7 of the Local Plan for Bolsover District.
20. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with policy SC7 of the Local Plan for Bolsover District.

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21. To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk in accordance with policy SC7 of the Local Plan for Bolsover District.
22. In the interests of preserving and / or understanding and recording potential significant archeological features in accordance with policy SC18 of the Local Plan for Bolsover District.
23. In the interests of preserving and / or understanding and recording potential significant archeological features in accordance with policy SC18 of the Local Plan for Bolsover District.
24. To ensure the safety and stability of the proposed development in accordance with policy SC14 of the Local Plan for Bolsover District.
25. To ensure the safety and stability of the proposed development in accordance with policy SC14 of the Local Plan for Bolsover District.
26. To define the scope of the permission.
27. To ensure a satisfactory restoration of the site following the development in accordance with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.
28. In the interests of safety of the public and environment in accordance with policies SC2, SC3 and SC9 of the Local Plan for Bolsover District.

### **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

### **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

### **Human Rights Statement**

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In

## **PLANNING COMMITTEE**

carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

### **PL55-25/26            APPLICATION NO. 25/00421/FUL - 48 ROWTHORNE LANE, GLAPWELL, CHESTERFIELD S44 5QD**

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The domestic development sought retrospective planning permission for a front boundary treatment which consists of fencing panels and a gate finished in solid accoya timber in dark grey. The development had taken place adjacent to the classified highway to the west of Rowthorne Lane, Glapwell. The key issues to address were the visual impacts of the proposed development on the streetscene and highway safety hazards.

The application had been referred to the Committee for determination due to a call-in request from Councillor John Ritchie who wished to discuss the Highway Authority's recommendation.

Helen Roper, the applicant, spoke in favour of the application.

A Member asked if the gates / fencing could be lowered or have cut outs (to lessen their impact). Helen Roper informed the requirement to prevent any possible sight of the street remained the priority – the choice of gates / fencing had been deliberated on for some time before the current proposal was chosen.

The Member noted if the immediate neighbouring properties had gates / fencing of the same height, the streetscene impact the proposal had would be lessened.

A Member thanked Helen Roper for attending Committee and noted many properties on Rowthorne Lane, Glapwell shared the same height as the proposal (though it was noted the only property that shared the same height and colouring was to be found on a neighbouring highway).

The Member acknowledged the need for the proposal and providing that the steps previously stated were carried out – to reduce the safety hazards on the highway, e.g. installation of a convex mirror for safe manoeuvring – there would be no need to object the proposal.

A Member stated the proposal would have had less streetscene impact if the gates / fencing had been in a more sympathetic rendering.

A Member asked if the height of the remaining boundary matched the height of the proposal. Helen Roper informed the sides and rear of the property had not been the concern – only the front (the remaining boundary was in keeping with neighbouring properties at 5ft).

The Chair noted other properties on Rowthorne Lane, Glapwell had the same colour gates / fencing and the applicant's choice was not substantially out of the ordinary.

## PLANNING COMMITTEE

Members deliberated and agreed to go against the officer recommendation, with a condition that would agree a scheme of improvements to improve visibility in the interests of highway safety.

9 in favour  
0 against

Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders  
**RESOLVED** that application no. 25/00421/FUL be **APPROVED** providing the safety hazards on the highway are reduced.

### **PL56-25/26          APPLICATION NO. 25/00441/VAR - SHIREBROOK MARKET PLACE, SHIREBROOK**

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The application had been referred to the Committee as it proposed more than minor changes to proposals that had been previously approved by the Committee.

To a question from a Member, the Committee was informed that no kitchen / catering equipment would be installed in the premises by the Council as part of the project and that it was planned that the end use of the building would be determined by Shirebrook Town Council as the intended owner of the building.

The Committee was informed that although the cumulative impact of the proposed changes had resulted in some dilution of the original appearance, the resultant building would still be of high quality design that would serve to enhance the appearance of the Market Place and that the architecture paid homage to the headstocks of the former local coal mine.

A Member expressed thanks to the Council for allocating regeneration funding to Shirebrook and the design team and everyone involved in the process.

9 in favour  
0 against

Moved by Councillor Steve Fritchley and seconded by Councillor Phil Smith  
**RESOLVED** that application no. 25/00441/VAR be **APPROVED** subject to the following conditions:

1. The soft landscaping must be provided on site in accordance with plan no CC\_DD\_SMP001 Rev 1 before the building hereby approved is first occupied and must be maintained as such thereafter.
2. The development must be carried out in accordance with drawing numbers:  
2201 Rev P08 Proposed Floor Plan  
2200 Rev P14 Proposed Site Plan  
4200 Rev P03 Proposed Building Sections  
3200 Rev C09 Proposed Site Elevations



## **PLANNING COMMITTEE**

3. The development shall be constructed in accordance with the approved materials as outlined in LMA-0001 Shirebrook Events Centre - Material Palette (Oct 2025) with the exception of the plinth material which shall be Ibstock Himley Ebony Black brick or equivalent in terms of size, texture and colour. The materials must be maintained as such thereafter.
4. The external paving and planters shown on DP-A-2200-S3-P14 - Proposed Site Plan must be provided on site in accordance with approved plan before the building hereby approved is first occupied and must be maintained as such thereafter

### **Notes**

1. BNG1
2. The Biodiversity Gain Plan required by the deemed condition should be prepared in accordance with the Biodiversity Metric submitted with the application prepared by Futures Ecology and include a timeline for delivery of on-site measures.
3. The applicant is advised of the need to obtain a section 184 license from the Highway Authority to create a dropped crossing to any parking area

### **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

## **PL57-25/26      QUARTERLY    UPDATE    ON    SECTION    106    AGREEMENT MONITORING**

The Principal Planning Policy Officer presented the Quarter 2 2025/26 report to update Members on the progress of the spending of Section 106 contributions and to review the effectiveness of the Council's monitoring procedures.

The Community Arts Development Officer and the Leisure Facilities Planning & Development Manager were present to provide updates and respond to questions on specific projects.

The report followed the Council's approved S.106 Monitoring Procedure, which required a quarterly update highlighting contributions at risk of clawback (within 24 months of expiry) and summarising those held in years 3, 4, and 5 by infrastructure type.

The number of remaining sums within the 24-month threshold stood at 10, with full details provided in the report.

Questions were asked on Item 11 and 13 (both Land at Thornhill Drive, South Normanton), Item 19 (Land rear of 17-95 Alfreton Road, Pinxton) and Item 20 (Land West of Homelea and Tamarisk).

## PLANNING COMMITTEE

9 in favour

0 against

Moved by Councillor Deborah Watson and seconded by Councillor Steve Fritchley

**RESOLVED** that the Planning Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

The Chair thanked all those for their attendance.

The meeting concluded at 11:20 hours.

**PARISH** Pleasley Parish

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**APPLICATION** Outline application for the erection of 6 dwellings with access from Chesterfield Road, with all matters reserved apart from access.  
**LOCATION** Land at Hill Top Farm Chesterfield Road New Houghton  
**APPLICANT** Mr Stuart Hill Glapwell Nurseries, Glapwell Lane Glapwell Chesterfield S44 5PY  
**APPLICATION NO.** 25/00454/OUT **FILE NO.** PP-14436450  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 30th October 2025

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## SUMMARY

The application has been referred to Planning Committee by Cllr Ritchie for the following reasons:

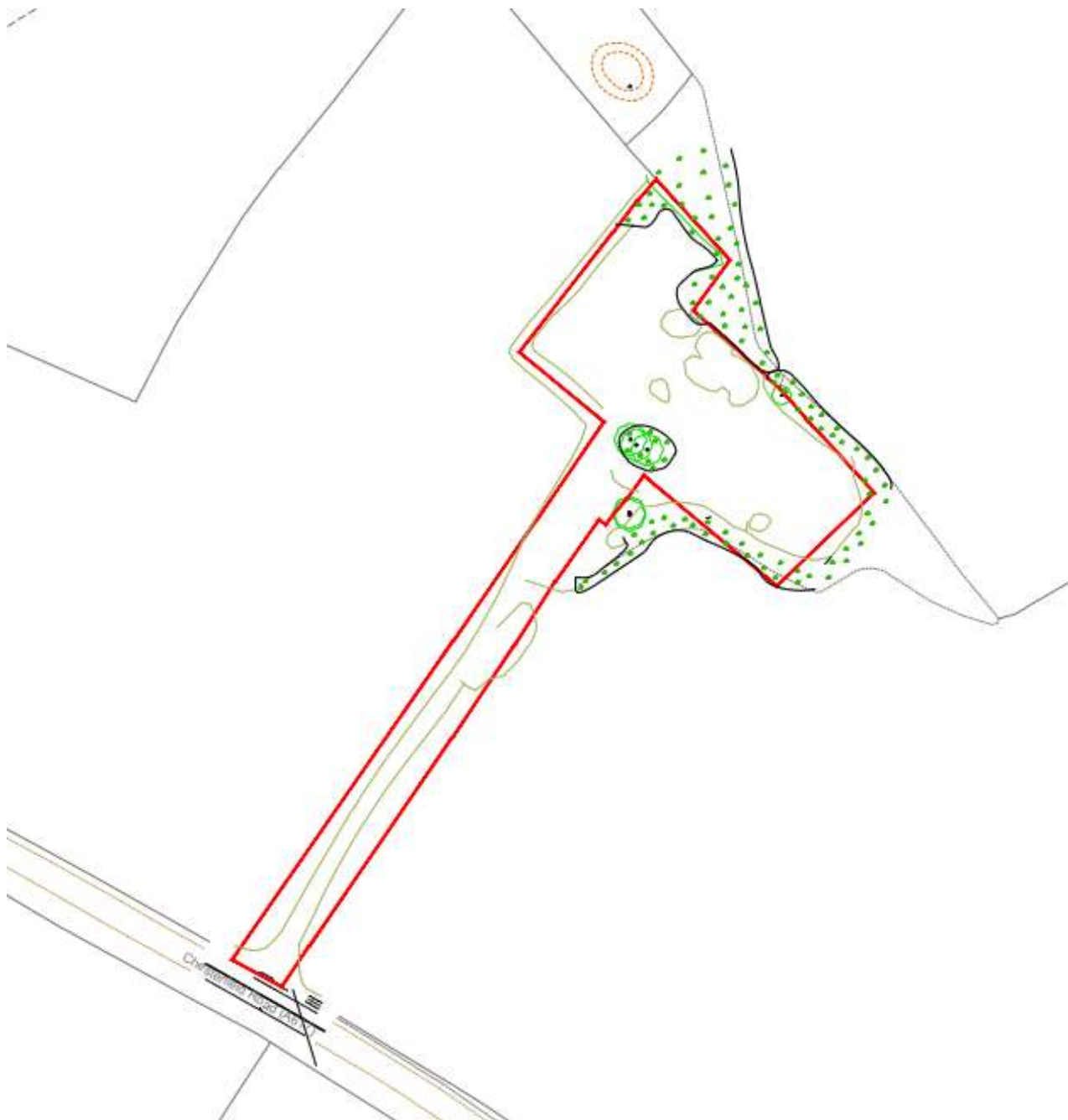
- The site has had a dwelling on it previously and there is evidence to see that on site, a tiled kitchen floor remains in situ, but the bungalow has been demolished. There was also a farm with brick and stone barns, not asbestos creations, so it wasn't an agricultural site between two villages.
- A previous application was made for a hotel on the site which was granted permission so I believe this application for a few properties stood back off the road looking similar to how the farm would have looked needs careful scrutiny.
- Lastly, is the fact that the same applicant has won appeals for the Nursery on Bolsover Road Glapwell and also for Budget Lane Scarcliffe, so we don't want to be looking at another lost appeal because of the costs involved to BDC.

The proposal is in outline with all matters reserved apart from access, for the erection of 6 dwellings with access from Chesterfield Road (A617). The site is outside the development envelope within an area of open countryside and an area allocated as an important open break in the local plan. The proposal is not on previously developed land as the previous use of the site was for agriculture.

The proposal is contrary to the requirements of policies SS1 (Sustainable Development) SS3 (Spatial Strategy and Distribution of Development) SS9 (Development in the Countryside) SS11 (Development in Important Open Breaks) SC2 (Sustainable Design and Construction) and SC5 (Changes of Use and Conversions in the Countryside.)

The application is recommended for refusal. If Members are minded to approve the application, the decision will be deferred to allow for a press notice to be issued. A press notice is a statutory requirement if the application is approved, by reason that the proposal for residential development within the countryside is contrary to the adopted Local Plan.

## **Site Location Plan**



## **OFFICER REPORT ON APPLICATION NO. 25/00454/OUT**

### **SITE & SURROUNDINGS**

The site is a former pig farm which contained a range of barns and a farmhouse (bungalow). The buildings were demolished many years ago, but the footprint of the buildings is visible on site. The site is in a slightly elevated position and is surrounded by fields. Access to the site is via a single width driveway from Chesterfield Road (A617.) There is currently some storage of materials on site, but this is unauthorised and is the subject of an ongoing enforcement

investigation.

## **BACKGROUND**

The site previously contained a pig farm with farmhouse. The buildings on site were demolished between 2010 and 2013 and only the concrete bases of the buildings remain.

In 1992, an outline planning application for a golf academy with 9 hole golf course and a country club hotel was refused and the subsequent appeal dismissed. The reason for this was that it was considered to have harmful impact on the character of the open countryside and would reduce the effective gap between Glapwell and New Houghton which would be harmful to the relationship between settlements. It was also considered to result in a loss of High Quality (Grade 2) agricultural land.

In 1994, outline planning permission was granted for the erection of a hotel on the site. The reason for approval was that the hotel created jobs and boosted tourism, and these reasons were considered to outweigh the impact on the countryside given that the proposal would involve the removal of the derelict buildings which were on site at the time. The planning permission was granted subject to a S106 agreement requiring the hotel to be contained within the existing built footprint on the site and the surrounding land within the applicant's ownership to be restricted to agricultural or forestry use.

A reserved matters application for a 46 bed hotel was approved in 1999. The hotel was mainly single storey with a two storey element.

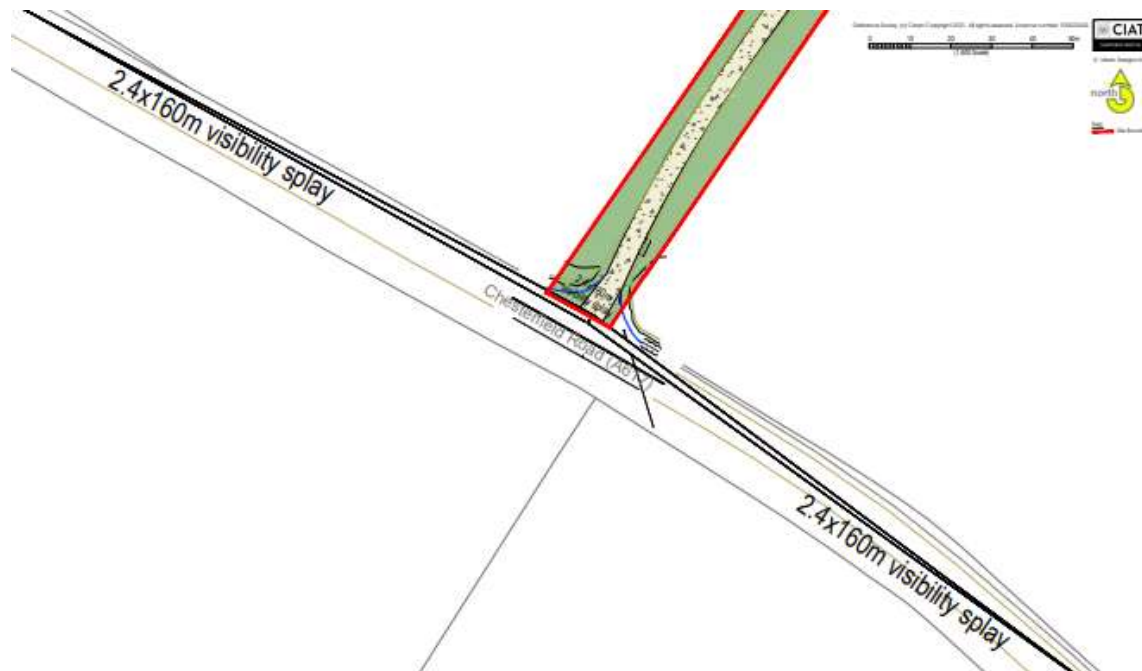
In 2015, planning permission was refused for residential development (180 dwellings) on the land to the southeast of the site. At the time the application was determined, the Local plan policies were considered "out of date" as the council did not have a five year housing land supply and as such the Framework has a presumption in favour of sustainable housing development. However, the development was considered to be in an unsustainable location, harmful to the character of the countryside and the important open break and resulted in a loss of quality agricultural land and this outweighed the benefit of the proposed housing.

The Inspector agreed and the appeal was dismissed despite the lack of a five year supply of housing.

## **PROPOSAL**

The application is in outline with all matters reserved apart from access for the erection of 6 dwellings. The proposal utilises the existing access onto Chesterfield Road (A617.)

## Access Plan



## AMENDMENTS

None

## EIA SCREENING OPINION

The proposals that are the subject of this application are not EIA development.

## HISTORY

BOL/1992/0369	Granted Conditionally	Hotel at Hill Top Farm (BOL 992/369)
BOL/1991/0096	Refused	9 hole golf course, driving range, practice area and country club hotel (BOL 391/96)
97/00070/VAR	Permitted	Variation of Condition 1 of planning permission 992/369 (Erection of a hotel) to allow for a further year for the submission of Reserved Matters
98/00084/VAR	Permitted	Variation of Condition 1 and 2 of planning permission BOL992/369 (for the erection of an hotel) to allow a further year for the submission of reserved matters
99/00171/REM	Granted Conditionally	Erection of a hotel, car parking, associated landscaping & access improvements

## HISTORY ON ADJACENT SITE

15/00124/OUT	Refused, dismissed on appeal	Residential development
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## **CONSULTATIONS**

### Parish Council:

- No comments received.

### DCC Highways:

- No objections subject to a condition requiring the access to be provided on site in accordance with the submitted plans before dwellings are occupied.

### DCC Archaeology:

- No comments received.

### National Trust:

- No comments received.

### Environmental Health Officer:

- No objections in principle. Advise a condition requiring submission of a phased contamination and remediation scheme where necessary and a condition restricting hours of construction and deliveries being restricted to 7.30am -6pm Monday to Friday, 7.30am to 1pm Saturday and no time on Sundays or public holidays.

### Derbyshire Wildlife Trust:

- BNG metric appears to have been completed accurately, and a good level of detail is provided in the BNG Assessment report. However, why there will be a delay in starting habitat creation and enhancement is queried. A net loss of -0.26 habitat units (7.81%) is predicted, which are likely to be purchased from a Habitat Bank. Onsite gains have been maximised within the current layout, and they should be classed as significant and therefore require a Habitat Management and Monitoring Plan (HMMP). Significant onsite gains should be secured via legal agreement.

In addition to the statutory biodiversity gain condition, advise conditions requiring:

- No clearance in nesting season (1st March and 31st August inclusive) unless preceded by a nesting bird survey.
- As part of reserved matters application, update badger surveys are undertaken, and a Badger Mitigation Strategy then be submitted to the LPA for approval and then implemented.
- Site clearance shall be undertaken in a manner by which to safeguard common amphibians, reptiles and hedgehogs. And a short statement of compliance be submitted upon completion of clearance works to discharge this condition, including records of any wildlife encountered.
- Prior to the installation of lighting fixtures, a detailed lighting strategy be submitted for approval and implemented as approved
- Prior to building works commencing above foundation level, a Species Enhancement Plan be submitted for approval and implemented as approved and a statement of good practice submitted once installed.
- A Habitat Management and Monitoring Plan (HMMP) to be submitted approved and implemented prior to the commencement of the development.

### Planning Policy:

- The site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside.
- It is not considered to be a sustainable location and is contrary to Policy ITCR 10: Supporting Sustainable Transport Patterns.
- The site is excluded by both the Local Plan and the NPPF from being previously developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside.
- It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks and other policies relating to the character of the area as it will have a harmful impact on openness and the character and appearance of the area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

### **PUBLICITY**

Site notice, no comments received.

### **POLICY**

#### Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 - Sustainable Development
- SS3 - Spatial Strategy and Distribution of Development
- SS9 - Development within the Countryside
- SS11 - Important Open Break
- SC3 - High Quality Development
- SC5 - Changes of Use and Conversions in the Countryside
- SC8 - Landscape Character
- SC9 - Biodiversity and Geodiversity
- SC11 - Environmental Quality (Amenity)
- SC14 - Contaminated and Unstable Land
- ITCR 10- Supporting Sustainable Transport Patterns.
- ITCR11 - Parking Provision

#### National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.



- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

#### Supplementary Planning Documents

Successful Healthy Places: A Guide to Sustainable Housing Layout and Design, Adopted 2025:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the district by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

#### Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

#### Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

## **ASSESSMENT**

### **Key issues**

It is considered that the key issues in the determination of this application are:

- the principle of the development in terms of sustainability, impact on the countryside and impact on the important open break
- the landscape and visual impact of the proposed development
- residential amenity
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network
- Ecology and biodiversity

These issues are addressed in turn in the following sections of this report

### **Principle**

#### Sustainability of location

Policy SS3: Spatial Strategy and Distribution of Development sets out the spatial strategy and distribution of development in Bolsover District to meet the local housing need as set out in the Local Plan. It identifies a settlement hierarchy comprising small towns, emerging towns,

large villages and small villages which have development envelopes as defined on the policies map. It directs development in accordance with this hierarchy, with more development being directed to the most sustainable towns and villages.

This site is located in the countryside between two of the small villages of New Houghton and Glapwell, but closer to New Houghton. However, it is not located in close proximity to the development envelope or existing built-up area of New Houghton. Consequently, it is not considered to be a sustainable location in relation to the spatial strategy set out in Policy SS3.

Policy SS1 Sustainable Development requires development to be located in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport. Policy ITCR10: Supporting Sustainable Transport Patterns, supports new development where the provision of services are located to support sustainable transport patterns and the use of the district's sustainable transport modes. The image below shows the nearest bus stop to the site. The stop is approximately 640 metres away, on the other side of the road to the pavement of the A617, making it difficult for occupiers of the proposed houses to access public transport. The location is even further from the nearest convenience store and primary school in New Houghton village with part of the route being along the busy A617. Therefore, it is considered that housing in this location is unlikely to support sustainable transport patterns, as most journeys would be reliant on the private car.

#### Bus stops closest to the site



#### Development in the countryside

Development proposals in the countryside are considered against Local Plan Policy SS9: Development in the Countryside. For development to be acceptable it must fall within one or more of the categories set out in the Policy and it will be required to respect the form, scale

and character of the landscape, through careful location, design and use of materials. These categories are as follows:

- a) Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location
- b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land-based businesses, including the diversification of activities on an existing farm unit
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism
- d) Secure the retention and / or enhancement of a community facility
- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction
- f) Are in accordance with a made Neighbourhood Development Plan
- g) The building is of exceptional quality or innovative design

Under category SS9 a) development may be acceptable if it “involves a change of use or the re-use of previous developed land, provided the proposed use is sustainable and appropriate to the location.” The site was previously used as a pig farm, but the farm buildings and farmhouse were demolished between 2010 and 2013. Only the surface infrastructure associated with the previous use remains on site. This cannot be regarded as previous developed land as both the Local Plan and NPPF 2024, Annex 2, specifically excludes: “*land that is or was last occupied by agricultural or forestry buildings.*” Therefore, the site does not meet Policy SS9 a). The proposal is not considered to meet any of the other criteria of the Policy b) to g) and consequently the development proposal is contrary to Policy SS9 of the adopted local plan.

Policy SC5: Change of Use and Conversions in the Countryside allows for conversions of buildings and the change of use of land within the countryside provided they meet a number of criteria. Most of these criteria relate to the conversion of a building. The criteria relevant to the change of use of land are that utilities can be provided and there is access to a metalled road without road improvements incompatible with the character of the area and the proposal does not add to flood risk concerns. In this instance the development can be provided with a safe access and does not add to flood risk concerns. However, policy SC5 also requires changes of use of land to be in keeping with the original character of the building or land and enhance the fabric and character of any adjacent buildings, or the landscape type generally.

In this instance, a group of dwellings in a remote position, clearly separated from adjacent settlements is not considered to enhance the character of the landscape, contrary to the requirements of policy SC5 and this issue is considered later in the assessment.

#### Character and appearance of the area

The application site is currently open with the former buildings having been demolished and is surrounded by agricultural fields. It is also isolated from the nearest settlements as it is not physically on the edge of New Houghton. Together Policies SS1 i) SS9, SC2 h) SC3 j) SC5b) and SC8 of the Local Plan require that development protect, create, and/or enhance the local landscape and the wider countryside and responds to the established character and local distinctiveness of the surrounding landscape. Similarly, the NPPF (paragraph 187) recognises the intrinsic character and beauty of the countryside and seeks to ensure that developments

are sympathetic to local character. The site is located within an important open break under Policy SS11 of the adopted local plan. This policy places an emphasis on maintaining the open character which contributes to the separation of settlements and their individual identity and sense of place. The openness of the site is therefore an important consideration of the effect of the development on the character and appearance of the area. In this case the former farm buildings on the site have been demolished. Consequently, the proposed development would have a detrimental impact on maintaining the open character between Glapwell and New Houghton and would be contrary to Policy SS11.

The NPPF in paragraph 83 promotes sustainable development in rural areas providing housing is located where it will enhance or maintain the vitality of rural communities. However, the proposed development is not located on the edge of a settlement and if it is not a sustainable location it will not meet NPPF paragraph 84 which identifies that planning decisions should avoid development of isolated homes in the countryside.

The Written Ministerial Statement “Building the homes we need” 30th July 2024, set out a focus on facilitating housing delivery, particularly in areas which have the greatest need, with an emphasis on brownfield sites. It also highlighted changes to restore and raise housing targets. These changes were subsequently introduced through the NPPF, December 2024, and Planning Practice Guidance, in the revised standard method for determining local housing need and the reintroduction of at least a 5% buffer in the land supply.

Relevant to this is the Council’s Five-Year Housing Land Supply position. The Council published its annual position statement in July 2025, which responds to the Local Housing Need target based on the standard method in national planning guidance. Based on this assessment, the Council has 5.69 years supply of deliverable housing for the period 2025/26 to 2029/30. In this situation full weight should be given to the policies of the local plan and the Council remains in a position where housing development may be resisted within countryside locations. Whilst acknowledging the limited public benefit from the delivery of additional dwellings, this is not considered to outweigh the substantive policy conflicts that arise.

#### Conclusion on the principle of the development

The application site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policies SS3 and ITCR 10: Supporting Sustainable Transport Patterns.

The site is excluded by both the Local Plan and the NPPF from being previous developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside. It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks and other policies set out above relating to the character of the area, in particular policies SC2h, SC5 and SC8 as it will have a harmful impact on openness and the character and appearance of this rural area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

#### Landscape and visual impact of the proposed development

The site is remote from nearby settlements and is within an area of open countryside and an area allocated as an important open break. The site is in a prominent position on gently undulating land surrounded by fields. The site falls within the National Character Area

Southern Magnesian Limestone Character area and the Limestone Farmlands Landscape character type. The Southern Magnesian Limestone Character Area is characterized by discreet towns and villages set amidst arable fields. Although many of the settlements associated with former collieries have expanded in size, beyond development envelopes the landscape remains rural in character. When considering development proposals within the Limestone Farmlands Landscape Character type, it is considered important to maintain this visual relationship between settlement and countryside and protect the key characteristic of a nucleated settlement pattern.

In this instance, the former farm buildings were demolished a number of years ago and the bases of the buildings are not visible in the landscape. Any new dwellings on the site will be extremely prominent and incongruous, causing harm to the character and distinctiveness of the landscape, contrary to the requirements of policy SC8 of the adopted Local Plan.

The indicative plans submitted show a farmhouse and barns style arrangement, designed to look like converted rural buildings. However, only the access is a matter to be considered as part of this outline application. All other matters are reserved and cannot be considered as part of this application and as such the reserved matters application may include a materially different layout and design which could be much more domestic in character. Even if a reserved matters application came forward in a design similar to the indicative plans, given that the site has been vacant for a number of years, any buildings will still appear prominent and have a harmful urbanising impact on the landscape and detracting from the objective of maintaining an open character which contributes to the separation of settlements, contrary to the requirements of policies SS11 and SC8 of the adopted local plan.

#### Residential amenity

The appearance, layout and scale of the development are reserved matters. The development therefore cannot be assessed against the council's Successful Healthy Places Supplementary Planning Document to consider whether the development provides an adequate standard of amenity for future occupiers. However, the site would appear to be large enough to accommodate six dwellings which meet the requirements of this guidance in terms of distances between windows, distances between windows and private gardens and garden sizes etc.

The site is set well away from any existing dwellings and is not considered to result in any harm to the privacy or amenity of these dwellings.

The Environmental Health Officer has requested a condition restricting hours of construction and deliveries being restricted to 7.30am -6pm Monday to Friday, 7.30am to 1pm Saturday and no time on Sundays or public holidays. Given the distance of the development from existing dwellings, such a condition is considered unnecessary and unreasonable.

#### Access/Highways

Access is not a reserved matter and is to be considered as part of this application. The proposal utilises the existing access onto Chesterfield Road. It includes a bin store adjacent to the site entrance and provides 2.4m x 160m visibility splays.

The Highway Authority has confirmed that the existing access can achieve appropriate emerging visibility in both directions on to Chesterfield Road and the access is of an

appropriate width to accommodate two-way movements. The Highway Authority has no objections to the proposal subject to a condition requiring the provision of 2.4m x 160m visibility splays. The design and site layout is a reserved matter, but the site is considered large enough to be able to accommodate parking and turning areas for six dwellings. Subject to the condition suggested above, the proposal is not considered to be detrimental to highway safety in accordance with policy SC3 of the adopted local plan and paragraph 116 of the NPPF

#### Ecology and Biodiversity Considerations

A Preliminary Ecological Appraisal and a BNG Assessment have been submitted with the application.

The site comprises the location of former farm buildings, an area of scrub and an access track. Habitats are of relatively low ecological value.



Derbyshire Wildlife Trust has confirmed that the BNG metric appears to have been completed accurately, and a good level of details is provided. A net loss of -0.26 habitat units (7.81%) is predicted. These units are likely to be purchased from a Habitat Bank with some onsite gains which could be secured.

Conditions required by Derbyshire Wildlife Trust (set out above) could ensure the protection of species on site during and after construction and ensure there is no net loss of biodiversity in accordance with policy SC9 of the adopted local plan.

Key Biodiversity Information			
If Biodiversity Gain Plan Condition Applies			
Biodiversity Metric Used	Statutory Biodiversity Metric		
Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	-0.26	0.00	0.00
	Total % change	Total % change	Total % change
	-7.81%	0.00	0.00

#### Contamination

The site is on an area previously occupied by a working farm and contains areas of made ground. There is therefore potential for contamination, however, subject to a condition requiring submission of a phased contamination and remediation scheme, the site is

considered capable of accommodating dwellings and is considered to meet the requirements of policy SC14 of the adopted local plan.

## **CONCLUSION / PLANNING BALANCE**

Whilst the site may be capable of accommodating six dwellings without causing harm to residential amenity, highway safety or biodiversity, the limited public benefit that would arise from this small number of additional dwellings is not considered sufficient to outweigh the visual harm caused to the character of the landscape and the openness of this Important Open Break, contrary to the requirements of policies SS11 and SC8 of the adopted local plan. The site is excluded by both the Local Plan and the NPPF from being previous developed land and does not meet any of the criteria in Policy SS9, nor does it meet the requirements of policy SC5, of the adopted local plan.

The application site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policy ITCR 10: Supporting Sustainable Transport Patterns.

On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole and is therefore recommended for refusal.

### Comments on the reason for referral to planning committee

NPPF 2024, Annex 2, specifically excludes: "land that is or was last occupied by agricultural or forestry buildings" from being previously developed land. The site did have a dwelling on it many years ago, but this was a small single storey farmhouse associated with the overall agricultural use of the site. Case law would indicate that where a dwelling is used solely in association with the surrounding farm, it can be treated as previously part of the overall agricultural use of the site. Although the planning history is limited in respect of this site, an application submitted in 1991 indicates that all buildings onsite were part of a single pig farm that was vacated in 1989, resulting in the proposed demolition of all of the buildings including the dwelling, as part of the wider proposals contained in that application; the application form states the site was vacant at the time of the application. On this basis, no parts of this site are regarded as previous developed land and even if the former dwelling could be classed as previously developed land, this would only cover the dwelling and would not extend to the entirety of the application site in any event, and this does not alter the overall conclusions in the previous assessment in respect of the proposed housing development on it.

A previous application was approved for a hotel on the site, but this was approved in 1994 under an earlier adopted local plan. The reason for approval was that the hotel created jobs and boosted tourism, and these reasons were considered to outweigh the impact on the countryside given that the proposal would also involve the removal of the derelict buildings which were on site at the time.

The current proposal must be considered against the development plan which comprises policies in the current Local Plan and the National Planning Policy Framework. The current proposal doesn't create jobs or boost tourism and as such there are no public benefits which could be considered to outweigh the harm caused to the rural character of the area or the openness of this important open break or allow for residential development in an

unsustainable location. Where there are no material considerations to indicate otherwise, Section 54A of the Town and Country Planning Act requires determination in accordance with the development plan.

The fact that the same applicant previously won appeals for the Nursery on Bolsover Road Glapwell and on Budget Lane Scarcliffe, is not considered relevant to the current proposal. Each application must be determined on its individual merits and provided the council has determined the application in accordance with the development plan and has followed correct procedures during the processing of the application, even if an appeal is made and that appeal is allowed, the council will have acted reasonably and as such, there would be no reason for costs to be awarded against the council.

**RECOMMENDATION - The current application be REFUSED for the following reasons:**

1. The development is harmful to the character of the landscape and the openness of this designated Important Open Break between settlements. This harm is not considered to be outweighed by the limited public benefits that would arise from this small number of additional dwellings. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policies SS1 and ITCR 10. The site is excluded by both the Local Plan and the NPPF from being previous developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside. It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks or other policies, including Policy SC5: Change of Use and Conversions in the Countryside SC8 (Landscape Character) and SC2 (Sustainable Design and Construction), relating to the character of the area as it will have a harmful impact on openness and the character and appearance of this rural area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

**Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

**Human Rights Statement**

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should



be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

## RESOLUTION TO BE MADE ON THIS ITEM BEFORE THE CONSIDERATION OF APPLICATION CODE REF. 25/00069/REM

**PARISH** Old Bolsover Parish

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**APPLICATION** Request to modify obligations contained within a legal agreement relating to planning permission code ref. 14/00080/OUTEA dated 22nd September 2021, which proposes a reduction to financial contributions, along with reductions to the Extra Care Land/Affordable Housing Land and Public Open Space/Town Park areas

**LOCATION** Land Between Welbeck Road and Oxcroft Lane, Bolsover

**APPLICANT** Strata Homes, Persimmon Homes and Stancliffe Homes, C/O Agent

**APPLICATION NO.** 25/00433/OTHER **FILE NO.**

**CASE OFFICER** Mr Chris Whitmore

**DATE RECEIVED** 17<sup>th</sup> October 2025

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### SUMMARY

This item requires planning committee consideration as the proposals seek to make more than minor changes to obligations imposed on an earlier permission granted by the planning committee and, as such, it is not a matter that can be delegated to officers in accordance with the Council's scheme of delegation contained within its constitution. In objecting to the proposals, Cllrs. Anne and Rowan Clarke also requested that the matter be heard, and a decision taken by planning committee.

Agreement is sought to modify the s106 agreement secured in respect of application code ref. 14/00080/OUTEA, which gave outline planning permission (with all matters except access reserved) for residential development in the region of 950 dwellings, provision of an extra care facility (approx. 70 units) and an Infant School, dated 22<sup>nd</sup> September 2021.

In addition to land for an infant and nursery school, extra care facility and / or affordable housing and a town park, the s106 agreement secures the following outstanding contributions based on the amount of development proposed (and where applicable including indexation):

- Elmtan Lane Contribution - £104,638
- Framework Travel Monitoring Plan - £14,359
- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Public Realm Sum - £90,711
- Town Park Commuted Sum - £738,430
- Primary Education Contribution - £931,390
- Secondary Education Contribution - £962,397
- Town Park – Delivery and maintenance - £647,690

These obligations were deemed to be necessary to make the development acceptable in planning terms, were directly related to the development and fairly and reasonably related in scale and kind.

Since the grant of outline permission, two approval of reserved matters applications for phases 1A and 1B have come forward for 259 dwellings.

A further approval of reserved matters application for 547 dwellings has been made under planning application code ref. 25/00069/REM, which is pending consideration. As part of this application the development consortium, comprising Persimmon, Stancliffe and Strata Homes have proposed an amount of development and laid it out in a manner that results in a 14.3% reduction in the area of the town park land and a 20% reduction in the area set aside for an extra care facility or affordable housing.

To be able to approve such development there is a requirement to modify the s106 agreement insofar as it relates to the land to be set aside for such uses. The applicant has also submitted a viability appraisal to justify a reduction in developer contribution.

The s106 dated 22nd September 2021 can only be modified with the mutual agreement of the Local Planning Authority (as the appropriate authority in this case), as the relevant period of 5 years set out in S106A of the Town and Country Planning Act (1990) has not yet passed since the original agreement was completed.

Following independent review of the consortium's viability position and assessment of the abnormal costs presented by a Quantity Surveyor (QS), it has been established that the development would not be viable with a 17.5% profit on revenue (which is considered to be a reasonable level of profit).

Officers are satisfied that the manner in which the development has come forward and is proposed as part of the latest approval of reserved matters application, which is pending consideration makes effective use of the site (having regard to its constraints) and would deliver high quality development / successful place.

The site is a strategic land allocation in the District Council's Local Plan and the Local Planning Authority is keen to see the site come forward and contribute towards the delivery of sustainable development to meet identified housing needs and the infrastructure necessary to achieve this.

In assessing the appropriateness of the proposed modifications to the original s106, the Local Planning Authority needs to be satisfied that they would continue to serve the purposes of the original obligations equally well in terms of the delivery of sustainable development.

The Local Planning Authority's Viability Expert has indicated through their modelling that the development is not capable of providing the approved level of developer contributions with a 17.5% profit on revenue below an accepted development viability threshold. They have, however, concluded that that development is able to provide developer contributions in excess of the travel plan and Elmtown Lane road improvements contributions and £1m towards the other planning obligations, amounting to circa £1,118,997 first offered up by the consortium (excluding the land for a town park, primary school and an extra care facility / affordable housing).

The District Council's Infrastructure Study and Delivery Plan (2025) sets out a general

hierarchy for infrastructure, with primary phase education and road capacity deemed of critical importance i.e. infrastructure that must be delivered in order for sustainable growth to take place without causing severe adverse impacts to local communities in the short term. Of the original financial contributions, £4,900,062 are related to the delivery of primary phase education and road capacity.

Recognising that such contributions are critical to the sustainability of the development, the consortium agreed to provide those contributions. It was recommended that the request to modify the agreement, with such contributions and having regard to the viability position and other funding mechanisms that exist to deliver infrastructure necessary to support the development, be approved at the Planning Committee meeting of the 10<sup>th</sup> December 2025.

The County Council in its capacity as the education authority issued a holding objection to the request to modify the agreement to the District Council on the 9<sup>th</sup> December 2025. The basis of their objection was that the secondary school place contribution (categorised as necessary within the District Council's Infrastructure Study and Delivery Plan (2025)) secured would be deferred and that this would have a significant detrimental effect on the already stretched local area catchment secondary school. It was also considered that if the secondary school place payment was deferred it could not be argued that this would serve the purposes of the original obligation equally well, as other funding streams referenced in the officer report to planning committee of the 10<sup>th</sup> December 2025 were not available to cover the shortfall.

The County Council requested that the application be deferred to further consider the applicant's viability position and to commission their own independent viability assessment. In light of this request officers at the Planning Committee meeting on the 10<sup>th</sup> December 2025 advised that a decision on the request to modify the agreement and associated planning application code ref. 25/00069/REM be deferred to allow the County Council to carry out this work and the consortium and the County Council to discuss the matter further. The planning committee resolved to defer determination of the request for such reasons.

Following deferral of the item the consortium, through their agent, clarified that primary and secondary school place contributions that had already been paid to Derbyshire County Council from phases 1A and 1B had not been accounted for in their viability appraisal. This omission resulted in additional funds being available in respect of the anticipated primary school contribution amounting to £218,797.22. The consortium also advised that if the secondary school place contribution was calculated on a pro-rata basis, based on the amount of development to come forward and excluding the contributions that had already been paid or invoiced in respect of the development on phases 1A and 1B, a remaining contribution of £554,138.06 was required. Taking into consideration the primary school contribution overage of £218,797.22 this amounted to a £335,340.78 difference between the proposed and originally agreed position. To reach mutual agreement with the District and County Council the consortium has agreed to cover / contribute this difference, essentially taking a further hit on their developer profit. To assist with the delivery of a new school on site and the provision of school places, the consortium also has agreed to modify the agreement so that it offers enhanced flexibility with regard to the claw back provisions / periods and the scope of the contributions relating land and financial contributions in favour of the education authority.

Having considered the revised position and explanation of the consortium in respect of the education contributions, the County Council has advised that this is acceptable and has

formally withdrawn their holding objection. The County Council is satisfied that the enhanced offer ensures that the County Council's developer contribution requirements for both primary and secondary education provision, necessitated by the proposed development, will be met.

Whether or not government funding is available to provide school places in circumstances where a development has been demonstrated to not be viable and any argument that deferred contributions towards secondary school places would serve the purposes of such an obligation equally well in this regard, this is now a moot point.

The consortium have agreed to the following revised contributions:

- Elmton Lane Contribution - £104,638
- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Primary Education Contribution - £712,598.78
- Secondary Education Contribution - £554,138.06

The now enhanced contribution results in the consortium taking a hit on developer profit, in order to be able to deliver the sustainable growth in Bolsover and meet the requirements of strategic policy SS4 of the Local Plan for Bolsover (2020). The proposed modifications, with enhanced financial contributions to deliver all critical and some necessary infrastructure would, it is considered, serve the purposes of the original obligations equally well in planning terms.

The other developer contributions to be deferred, whilst necessary, would not cause severe adverse impacts to the local community in the short term for reasons explained in the officer's report. Furthermore, such contributions would be subject of future project viability review. Where any surplus profit is made this will be assigned to the deferred developer contributions on an agreed split.

Whilst the District Council could choose not to agree to modify the original s106, it is clear through viability testing that the proposed development would not be a viable proposition based on national guidance on reasonable developer profit margins, i.e. 17.5%, with the amount and nature of developer contributions currently secured. The now enhanced contributions offer, at the expense of the consortium's expected profit, would facilitate the delivery of housing to meet the district's housing needs, whilst delivering all of the critical infrastructure required. The deferral of other necessary infrastructure would not unacceptability impact on the town, to the extent that the development could be construed as not delivering sustainable development in the round. The modifications to the developer contributions as set out would, in planning terms, continue to serve the purposes of the original obligations equally well in this respect and ensure that high quality, planned development comes forward that satisfies the aims and objectives of the development plan and national planning policy and guidance.

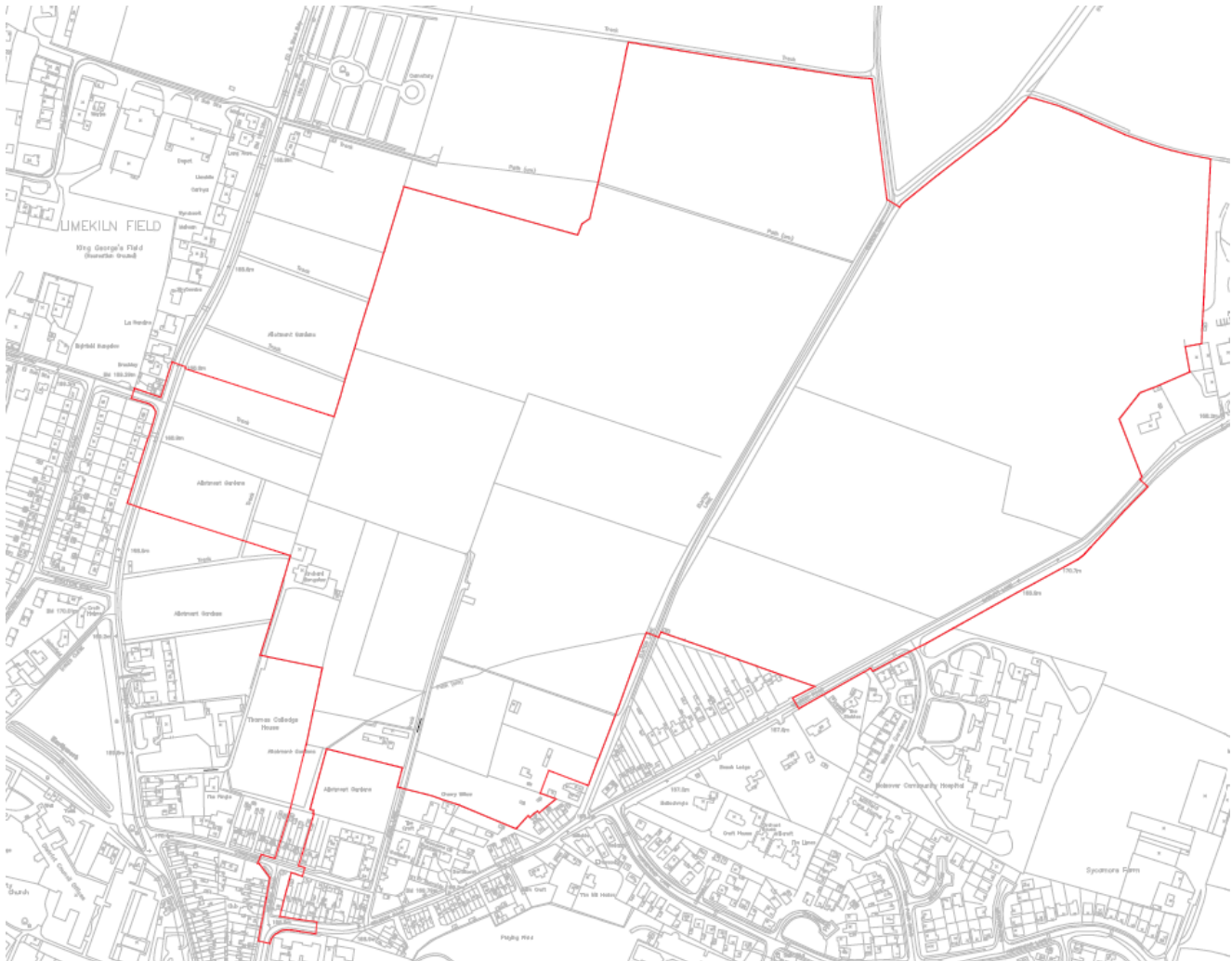
Taking the above into consideration it is recommended that planning committee agree to modify the s106 agreement dated 22<sup>nd</sup> September 2021 to secure £5,235,408.84 towards the following:

- Elmton Lane Contribution - £104,638

- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Primary Education Contribution - £712,598.78
- Secondary Education Contribution - £554,138.06

and to reduce the town park land area to 3.6ha and the extra care facility land to 0.8ha and extend the current claw back provisions / periods and scope of the contributions in favour of the education authority (land and financial contributions), with all other outstanding financial contributions to be deferred following viability review at an appropriate stage(s) in the future build out.

## **Site Location Plan**



## **OFFICER REPORT ON 25/00433/OTHER**

### **SITE & SURROUNDINGS**

The request to modify the s106 relates to the Bolsover North strategic site set out in the Local Plan for Bolsover (2020).

The site is located immediately to the north of Bolsover Town adjacent to existing residential development between Oxcroft Lane and Marlpit Lane. It is an irregular shape parcel of land extending to an area approximately 38.96 hectares in size.

Development has come forward to the east of the site, between Marlpit Lane and Elmtan Lane. As of 30<sup>th</sup> September 2025, 204 out of 238 no. dwellings approved under reserved matters application 19/00005/REM had been completed, with the remaining houses under construction. This part of the development has been built out by Persimmon and Strata Homes. On the northern edge of this development is a large surface water attenuation

feature. A further 21 no. dwellings have been approved under application code ref. 23/00238/REM to the west of the site, comprising an extension of the Stancliffe Homes development off Oxcroft Lane. On the 30<sup>th</sup> September 2025 16 dwellings had been constructed in this area, with the remaining 5 units under construction.

The remainder of the site is primarily used as fields for agricultural use with areas of unused rough pasture land. The site is gently sloping with undulating areas with valleys and ridges.

Oxcroft Lane and the existing allotment gardens form the western boundary to the development. Existing residential development along Marlpit Lane/Welbeck Road and Longlands identify the southern and southeastern boundary to the site.

The site is divided by Elmtan Lane which is an unmetalled bridle path (BW60) running in a north east direction from Marlpit Lane in the south and cutting through the site to join Ovencroft Lane (track) to the north. There is also a network of other public footpaths that cross the site linking Elmtan Lane to Oxcroft Lane (FP33) and also between Longlands and Elmtan Lane to the South (FP30/FP31).

The application site includes five dwellings off Welbeck Road and Longlands to facilitate a highway link through the development.

## **BACKGROUND**

The site is a strategic land allocation in the Local Plan for Bolsover District (2020). Local Plan Policy SS4 anticipated that the development to be delivered over 14 years, via 6 phases starting in 2020.

Outline planning permission for residential development in the region of 950 dwellings, provision of an extra care facility (approx. 70 units) and an infant school was granted at the site, under planning application code ref. 14/00080/OUTEA in October 2017.

Permission was granted subject to a condition that no development should be commenced until a s106 agreement had been completed, securing all of the developer contributions necessary to make the development acceptable in planning terms at that time. Obligations were included in a s106 legal agreement dated 22<sup>nd</sup> September 2021 to provide the following:

- Approximately 1ha of serviced land for an extra care facility and / or affordable housing
- Delivery, maintenance and transfer of approximately 4.2ha of land for a Town Park
- 1ha of serviced land suitable for single form entry infant and nursery school

Financial contributions:

- Bus Stop Improvements Contribution
- Elmtan Lane Contribution
- Framework Travel Monitoring Plan
- New School Contribution
- Road Network Contribution
- Public Realm Sum



- Town Park Commuted Sum
- Primary Education Contribution
- Secondary Education Contribution
- Traffic Regulation Order Contribution

Following the completion of the s106 agreement dated 22<sup>nd</sup> September 2021, 238 dwellings have been approved under planning application code ref. 19/00005/REM. This approval has/is being built out by Strata and Persimmon Homes off Marlpit Lane. 21 no. under application code ref. 23/00238/REM comprising an extension of the Stancliffe Homes 'Mulberry Way' development off Oxcroft Lane at the western end of the site has also been approved. As of the 30<sup>th</sup> September 2025 approximately 220 dwellings had been completed across both developments.

The requirement for much larger surface water attenuation features on site, layout enhancements including street trees and a dedicated cycle lane and development that delivers successful place and provides for an appropriate density and type of housing to respond positively to this part of the settlement has resulted in a reduced amount of development coming forward.

Application code ref. 25/00069/REM, which is a joint application presented by the consortium of house builders (consisting of Persimmon, Strata and Stancliffe Homes) proposes 547 dwellings, across the remaining phases of development, with the exception of 0.8ha of residential land to the south of the land to be set aside for a primary school – referred to by the consortium as phase 2. This application is pending consideration and proposes some changes to the terms of the outline permission that were secured in the s106 agreement dated 22<sup>nd</sup> September 2021.

This item seeks approval of / agreement to those changes, which must be resolved before a decision can be taken on application 25/00069/REM. In particular, owing to an overall reduction in the amount of housing development and high abnormal costs associated with phase 2, application code ref. 25/00069/REM proposes to reduce the area of the town park and extra care facility / affordable housing land and to reduce the amount of s106 financial developer contributions to be made. Such modifications are requested to ensure a commercially viable development and the delivery of strategic development allocated in the Local Plan for Bolsover District (2020).

In assessing overall project viability and the justification for any reduction in developer financial contributions it is necessary to consider the profitability of the development that has come forward on the site and value / potential profits to be derived from the small area of residual land that does not form part of the latest approval of reserved matters application that is pending consideration.

## **PROPOSAL**

The proposal as originally submitted sought approval, through mutual agreement, (as the relevant period of 5 years has not yet passed since the original agreement was completed) to modify the section 106 agreement 22<sup>nd</sup> September 2021 as follows:

- Reduce the area of the town park to be provided from 4.2ha to 3.6ha
- Reduce the area of extra care facility / affordable housing land to be provided from 1ha to 0.8ha.

Provide the following financial contributions:

- Elmton Lane Contribution - £104,638
- Framework Travel Monitoring Plan - £14,359
- Provision of £1m towards all other financial contributions.

Following independent review of the applicant's viability appraisals by a viability expert and abnormal costs by a QS, and the requirement to provide critical infrastructure, the applicants / agreed, in principle, to modify the obligations as follows:

- Reduce the area of the town park to be provided from 4.2ha to 3.6ha
- Reduce the area of extra care facility / affordable housing land to be provided from 1ha to 0.8ha.

Provide the following financial contributions:

- Elmton Lane Contribution - £104,638
- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Primary Education Contribution - £931,390

With deferred contributions towards:

- Framework Travel Monitoring Plan - £14,359
- Public Realm - £90,711
- Town Park Commuted Sum - £738,430
- Secondary Education Contribution - £962,397
- Town Park – Delivery and maintenance contribution - £647,690

being the subject of future viability review, in addition to the additional secondary school place contribution and uplift in affordable housing provisions included in the original agreement.

Following consideration of the item at planning committee on the 10<sup>th</sup> December 2025 and subsequent negotiations between the applicant and County Council, who would need to be in agreement with any changes, the applicant has clarified that some primary and secondary school places contributions had already been paid / invoiced and that the total secondary education contribution amount was less if based on the revised number of dwellings proposed. This has resulted in a **reduction in the primary education contribution of £712,598.78** and agreement to **provide a secondary school contribution of £554,138.06**.

The consortium also agrees to modify the agreement so that it offers enhanced flexibility with regard to the claw back provisions / periods and the scope of the contributions relating land and financial contributions in favour of the education authority.

## Supporting Documents

The application is accompanied by an application form (comprising the Local Planning Authority's S106A application form), covering letter and viability appraisal, which includes details of the joint venture and individual house builder's abnormal costs for phase 2 and a separate viability appraisal for phase 1.

## **AMENDMENTS**

Amendments to the application have been made during the consideration of the application as set out in the 'Proposals' section of this report following independent assessment of the applicant's viability appraisal by a viability expert and abnormal costs by a QS, the requirement to provide critical infrastructure and to reach agreement with the County Council with regard to education contributions, during the consideration of the application. This has resulted in revised offers in respect of the developer contributions to be provided.

## **EIA SCREENING OPINION**

This item relates to obligations secured in respect of an outline planning application, code ref. 14/00080/OUTEA which was deemed to constitute Environmental Impact Assessment development. Scoped into the Environmental Statement that accompanied this application were the following matters:

- The need for the development and alternatives considered.
- Landscape and visual resources.
- Ecology.
- Hydrology and drainage.
- Archaeology and cultural heritage.
- Transportation.
- Air quality.
- Noise and vibration.
- Ground conditions.
- Socio-economic considerations.

The proposed modifications to the s106 have the potential to impact on the socio-economic considerations.

The conclusion in the Environmental Statement in respect of this topic was that the development would meet an identified need for further housing in an appropriate location, with no harm to existing facilities whilst increasing the spend within the town (as well as creating jobs). The proposals were considered to be beneficial in this regard and would not result in environmental harm.

The modifications to the agreement reduce the amount of developer contributions, however, will ensure that all critical and some necessary infrastructure is provided in order to deliver sustainable development in the short term, with any adverse effects associated with reduced developer contributions tempered for reasons set out in the officer's report so as to be inconsequential. As such, the modifications do not change the outcomes of the original

Environmental Statement with regard to the environmental effects to warrant the submission of a new Environment Statement or addendum.

## HISTORY

13/00397/SCOPE	COMM	Request for scoping opinion – Residential development with associated roads and other facilities.
14/00080/OUTEA	GC	Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx.. 70 units) and an Infant School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision (application as supplemented/amended by Drainage Strategy document submitted 28/04/14
19/00005/REM	GC	Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6 (Phasing Programme), 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas) and 16 (hedgerow retention/creation) of the outline planning permission ref. 14/00080/OUTEA in respect of the areas of the site included in this application.
21/00471/REM	GC	Approval for reserved matters for attenuation basin serving residential phase 1a and discharge of Conditions 5 (Supplementary Design & Access Statement), 7 (Site Wide phasing plan), 14b (Written Scheme of Investigation for Archaeological Work), 18 (Construction Management & Mitigation Plan) and 20 (Site Investigation) of outline approval (14/00080/OUTEA), insofar as these conditions relate to the attenuation basin area that is subject of this application.
21/00492/ADV	GC	Proposed advertisements comprising 2 free standing signs, 10 flags & one lightbox (to be attached to side of proposed dwelling)

21/00562/MINAM	GC	Application for a non-material amendment following a grant of planning permission to amend condition 24 of planning permission 14/00080/OUTEA to say: No development shall be commenced within any phase (or sub phase as may be agreed with the local planning authority in writing) unless and until a S106 planning obligation has been completed (signed by all relevant parties, including all parties with an interest in the land to be developed in that phase or sub phase) to address the details included as Appendix A to this planning permission.
21/00594/ADV	GC	Advertisements for the sale of new homes
21/00745/MINAM	GC	Minor amendment to application 19/00005/REM - Changing the following house types: Greyfriar to be replaced by Ashdown, Clayton Corner to be replaced by Barnwood, Hatfield to be replaced by Sherwood (for certain plots), Roseberry to be replaced by Rivington, Leicester to be replaced by Whinfell, Winster to be replaced by Selwood
22/00238/MINAM	GC	Minor amendment of application 19/00005/REM, insofar as it relates to the Strata parcel (only), for: relocation of bin collection points to plots 11-13, 60 -63, 64-81; identification of dry stone wall to the front of plots 31 – 34; identification of timber post and rail fence boundary treatments to front of Plot 34; and identification of bus stop and addition of associated dropped pedestrian crossings to Marlpit Lane.
22/00292/MINAM	GC	Minor amendment to planning application 19/00005/REM – Substitution of house types
22/00632/ADV	GC	Strata Light Box fixed on Plot 34 show home gable. Two 3m x 3m Signage boards. 10 Flag poles.
23/00166/MINAM	GC	Minor amendment to Planning Application 19/00005/REM – installation of temporary post & rail fence/amendment to plot 33's garage/minor amendment of footpath on southern boundary/amendment to location

of bus stop/addition of rear footpath to plot 1's  
garage/addition of rear access door to plot 1's garage

23/00238/REM	GC	Reserved matters application for the approval of details relating to access, appearance, landscaping, layout and scale in relation to the development of 21 dwellings (Phase 1B) on land to the east of Oxcroft Lane, Bolsover and discharge of Conditions 5, 7, 8, 10, 11, 14, 15, 18, 21 and 23 of Outline Planning Permission Ref. 14/00080/OUTEA.
23/00487/MINAM	GC	Minor amendment of application 19/00005/REM (Addition of PV Solar Panels to plots 87-144)
25/00069/REM	PCO	Application for approval of reserved matters for residential development (547 dwellings), public open space (including a town park), landscaping, spine road (including required demolition of Nos. 34-40 Longlands & No. 42 Welbeck Road) and associated infrastructure (An Environment Impact Assessment was submitted alongside the original outline planning application). The application also proposes the discharge of conditions 21 and 22 of planning permission 14/00080/OUTEA in relation to the phases/development included within this reserved matters application.

## CONSULTATIONS

Bolsover District Council (Planning Policy and Housing Strategy) –

*Conclude the following:*

The application site is a strategic housing allocation under Policy SS4: Bolsover North, in the Local Plan for Bolsover District. Outline Permission has been granted on the site with a Section 106 agreement being completed on 22nd September 2021. Phase 1 of the site is under construction. The application relates to a variation in the terms in the existing S106 agreement. This is related to a pending reserved matters application that has been submitted for 547 dwellings, Phase 2 of the Bolsover North development. The applicant has raised viability issues in relation to Phase 2 which forms the remaining area to be development under the outline permission.

Substantially as a result of the need for additional areas of land for sustainable urban drainage, the anticipated number of dwellings in the outline application “in the region of 950 dwellings” will not be achieved. With existing reserved matters permissions and the pending

application, it is anticipated approximately 811 dwellings will be delivered on the site.

For viability reasons, the proposal is currently not able to meet all of the infrastructure financial obligations set out in the current S106 agreement. National policy and guidance require that viability is considered in relation to local plans and development management decisions. The Council's Local Plan for Bolsover District recognises that there may be viability issues in relation to housing sites and allows for deviation away from policy requirements in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1). Abnormal costs have been identified which have been reviewed and agreed by an independent QS. As is the Council's practice, the applicant's viability assessment has been reviewed by an independent viability consultant who has advised that the full Section 106 financial obligations cannot be met at this time.

As a strategic housing allocation, the site has a number of specific obligations to deliver. With minor changes in the land areas, it will deliver the land for the extra care / affordable housing, the school and the Town Park / open space in accordance with the provision for a development of 811 dwellings. It provides improved road links and provides the index linked agreed contributions towards the new school and wider primary education provision. However, a number of other contributions including secondary education contributions and the Town Park commuted sum cannot be achieved at this time and would need to be considered as part of a future viability review as provided for within the existing S106 agreement.

In relation to education, while developer contributions should be the 'first port of call' to meet the educational requirements arising from residential development, Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues.

Whether a proposal represents sustainable development is a matter of planning judgement. It is deemed that on balance a decision to approve would be reasonable given that the proposal is a strategic site which has a key role in relation to achieving the spatial strategy set out Strategic Policy SS3, which identifies Bolsover as being one of the most sustainable locations with the district. The site makes a significant contribution towards meeting the local housing need for the district, provides for infrastructure on site and contributes towards meeting a number of local infrastructure capacity needs. This is particularly the case given the weight to be given to the Ministerial Statement about the need for housing and the Council's own five-year housing land supply position.

The planning policy comments are available to read in full on the Council's Public Access Platform under the documents associated with the planning case file. Where applicable to the case, the general comments made have been incorporated into the assessment section of this report.

Derbyshire County Council (Strategic Planning) –

**7<sup>th</sup> January 2026** - On the basis of the enhanced developer contributions offer provided by the applicant, Derbyshire County Council considers that the enhanced developer contributions offer is now acceptable and as such, the County Council wishes to

formally withdraw its holding objection previously submitted on the proposed modification.

The enhanced offer now ensures that the County Council's developer contributions requirements for both primary and secondary education provision, necessitated by the proposed development, will be met.

The County Council also welcomes the additional flexibility provided by the applicant regarding the timing of the transfer of the land for the primary school.

In the context of the above, the County Council will no longer be pursuing an independent appraisal of the viability assessment previously commissioned by the District Council.

**9<sup>th</sup> December 2025** – Sharpe Pritchard LLP representing the County Council raised the following concerns in confirming a holding objection.

If the secondary school contribution secured would be deferred it would have a significant detrimental effect on the already stretched local area catchment secondary school.

It was wrong to claim that deferment of the secondary school contribution would serve the purposes of the original obligation equally well, as other funding streams referenced in the officer report to planning committee of the 10th December 2025 were not available to cover the shortfall.

The County Council, through Sharpe Pritchard LLP requested that the application be deferred to further consider the applicant's viability position and to commission their own independent viability assessment.

**28<sup>th</sup> November 2025** - I note that we have a consultation response due regarding the above development. I understand that there have been ongoing discussions between Clare Wilkins and Andrew Stevenson with officers at Bolsover District Council. I am unable to send a response to you at this time pending discussions re. financial assessments.

#### Old Bolsover Town Council

While the Council recognises the importance of enabling delivery of this key strategic housing allocation, we have concerns regarding the proposed modifications and the potential implications for the wider community.

The original outline planning permission (14/00080/OUTEA) and the accompanying S106 agreement were granted on the basis of delivering an extra care facility, and an Infant School, alongside key infrastructure and open space. The current proposals, while broadly in line with the outline, do not fully comply with the terms of the original permission. OBTC maintains that reserved matters approval must comply with the terms of the outline planning permission, including the delivery of infrastructure and community facilities.

OBTC recognises that project viability is a material consideration. However, the independent viability assessment indicates that the development can deliver all of the originally agreed developer contributions, with only minor reductions in land for the town park and extra care facility. The Council is concerned that reducing contributions or land provision for viability



reasons sets a precedent that could erode the provision of community infrastructure in future phases or developments.

The Council urges the Local Planning Authority to ensure that the strategic objectives of the Bolsover North allocation are upheld, and that all infrastructure, community facilities, and open space are delivered as intended in the original planning permission and S106 agreement.

## **PUBLICITY**

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 sets out the publication requirements in respect of applications to modify agreements under s106A of the Town and Country Planning Act (1990). Although the proposal sits outside of the application process prescribed by section 106A, in that the relevant period of 5 years has not yet passed since the original agreement was completed, the same publicity requirements have been followed.

Regulation 5 (1) advises that when a local planning authority receive an application for the modification or discharge of a planning obligation they shall publicise the application by–

- (a) posting notice of the application on or near the land to which the planning obligation relates for not less than 21 days; or
- (b) serving notice of the application on the owners and occupiers of land adjoining that land; or
- (c) publishing notice of the application in a local newspaper circulating in the locality in which that land is situated.

Bolsover District Council in its capacity as the Local Planning Authority posted 8 site notices on or near to the land and served notice on the occupants of 398 dwellings on and adjoining the site of the request (in writing) on the 21<sup>st</sup> October 2025.

This has resulted in the receipt of twenty-eight representations. Of those twenty-eight representations, twenty-seven object to the proposed modifications to the s106 dated 22<sup>nd</sup> September 2021. In doing so the following summary comments are made:

- Concerns are raised about the fairness and impact of the proposals on the community.
- The financial reductions are unjustified. The developer's own figures show combined earnings of £163.4 million and a profit of £28.6 million. It is therefore extremely difficult to understand how they can claim to only afford £1 million combined in local investment.
- If a development can generate tens of millions in profit, the company should honour the commitments that were key to the scheme's approval. Reducing contributions now undermines public trust and sends the message that promises made to local residents are optional.
- Residents bought homes based on promises of investment – to now remove or shrink those areas – particularly the Town Park and Public Open Space is misleading and unfair.
- Bolsover already struggles with affordable and specialist housing availability. Reducing

the land for these uses directly contradicts local housing needs and council policy. It also removes future opportunities for younger families and older residents who want to stay in the community but need smaller or supported accommodation.

- The application does not clearly set out what is being removed or by how much. Before any decision is made, the Council should publish a side-by-side comparison of the original and proposed obligations, updated plans showing land reductions, and a full open-book viability assessment reviewed independently at the developer's expense.
- This development has already had a huge impact on the town. It's only fair that the community receives the benefits that were promised – proper open space, affordable housing, and financial contributions to local infrastructure like schools, healthcare, and highways.
- If the Council accepts these reductions, future developers may feel they can promise community benefits to gain approval and then withdraw them later. That would seriously damage public confidence in the planning process.
- The Council's independent review (CP Viability Ltd) shows the scheme is viable with full S106 obligations (£7.4m) or with 10% affordable housing and reduced S106 (£3.9m). The applicant's higher costs and profit assumptions are not justified.
- The REM application assumes full delivery of original S106 obligations (Town Park, Extra Care Land, infrastructure). Reductions in this variation would make the REM undeliverable or inconsistent.
- Derbyshire County Council and Bolsover residents expect full obligations (Elmton Lane upgrades, bus rerouting, travel plan measures, Town Park maintenance). Reductions undermine these commitments.
- Running the S106A variation alongside the undecided REM risks inconsistency, judicial review, and procedural unfairness. Approving one before the other could invalidate or frustrate the planning process.
- The proposals will result in development that will be contrary to policies SS4, LC2, SC3, SC4 and II1 of the Local Plan for Bolsover District (2020) and national planning policy.
- The applicant's viability assessment lacks transparency.
- Approval would compromise sustainable development, placemaking, and legal integrity.
- The developer's offer of £1,000,000 as a financial contribution is insufficient to mitigate the significant, wider impacts this large-scale development will have on the existing community and services in Bolsover.
- The developer lists approximately £4.8 million of on-site works (including serviced land for a school, a town park, and a new link road) as "wider benefits". This is misleading. These items are not optional "benefits" to the community; they are essential infrastructure required to make the development itself functional, safe, and acceptable. These are standard costs of development for an estate of this size and should not be presented as a justification for reducing the financial contributions needed to support the rest of the town.
- The developer's letter implies that their preferred position was to offer no cash contribution at all, and that this £1,000,000 is a "compromise". This position prioritises developer profit over the genuine, long-term needs of the Bolsover community. This "Without Prejudice Offer" should be rejected as it fails to provide fair mitigation for the impact of the development.
- The developer is clearly pushing for this application to be decided at the 10<sup>th</sup> December Planning Committee. The Planning Committee should not be pressured by the developer's arbitrary deadline.

- When will the council grow a backbone and actually stand up for their constituents? These companies are absolutely huge, Persimmon and Strata both having record profits and are part of the FTSE 100 in the UK and you're letting them take Bolsover for a ride. Do you honestly think that they will pull the whole project if you decline to reduce contributions? They will make hundreds of millions of pounds on this development. You are only bothered about increasing the size of Bolsover to get more money into the council, you don't care at all about the quality of life here.
- The developers have already profited from this project and based their financial plans on it, so they should now honour the terms in full. This funding is important for our community, particularly to address: the continuing pressure on local schools and special educational needs provision, the lack of adequate facilities for elderly care, especially following the recent closure of local care homes the reduced sense of community cohesion, given that the promised town park has not yet been delivered these contributions are essential for maintaining the balance and wellbeing of our area.
- It appears to be of no concern to the Planning Department of Bolsover District Council that the report is not numerically sound. The individual square footage of the supposed properties does not accord with the claimed total square footage. Furthermore, the individual number of the properties to be offered does not match the supposed total.
- The CPV review cannot inform or substitute for the Council's required prioritisation exercise under Policy INF1 (SIC – should read I11), where S106 requirements are “proven” to exceed viability. A formal statement from the Council detailing the specific priorities for infrastructure items in this Application, including how they align with the ISDP's settlement-specific delivery plan for Bolsover and the rationale for such prioritisation is requested.
- The remaining c500 homes should not be allowed without the original full commitment to the town park and extra care land. If these are not delivered, what are the expectations of the land allocated to this? I hope more houses are not in a future plan the builders are submitting to planning.
- I believe a reduction in the 106 monies agreed previously would:
  - impact on schools and SEND provision negatively.
  - there would be a lack of facilities for elderly care homes, especially with closure of carehomes locally.
  - there would be a reduction of community cohesion (with reference made to the town park).
- The reduction to financial contribution from the developer is a ridiculous u-turn. How can a legal document be dismissed in such a way? The local people are sick of the building work that has gone on for years now and deserve something back. Bolsover is a growing population, so the extra care funding for the elderly and local open space/town parks for the younger generation is hugely important.
- The developers have profited off the houses already built and before being allowed to continue they should have to fulfil the agreed plans for the community. Our community and local areas are already affected by no school places and doctors over run. We've lost countryside walks and becoming very overcrowded the roads cannot cope with the traffic now.
- The £1m figure is well below what would be expected for a development of this magnitude. The developers are taking a punt on getting a reduction to boost their profits. The development was only given approval on the basis of large contributions to compensate the adverse effects on the local community, to the council should stand firm

and not give into the Developers.

- The independent report from CPV of the 20/10/2025 says the development can support S106 contributions of £7,408,709 well in excess of what the developers are offering and on that alone the proposal should be rejected. There is no demonstration and proof of developer costs to back up their calculation.
- The large number of houses is putting a strain on all services in Bolsover and so the Developers should pay for the issues and disruption caused to improve the town.
- It is already impossible to access doctors due to inadequate provision. Our market town cannot cope with more development without service provision being the priority.
- The development so far has already had a significant detrimental effect on the lives of local residents due to associated noise, mess, increased traffic and traffic violations such as speeding on Welbeck Road, the loss of green space, and the additional burden on services and amenities. To increase this still further without honouring the commitment to at least provide some small compensation in the form of a town park and the provision of affordable housing would be to completely disregard the needs and wellbeing of local residents, and to instead prioritise profit for the developers.
- This development cannot be seen as an improvement for the town if it fails to provide housing that local people can afford and facilities that might enhance quality of life for existing residents, to counteract the inevitable negative effects that such a wide scale expansion entails.
- If the developers want to put profit over services needed to sustain their development then they should NOT have promised to achieve the requirement at the time the planning application was approved.
- Bolsover is already set to suffer both environmental impact and infrastructure deficits as a result of so many houses being built in a short timeframe.
- Bolsover needs facilities for the elderly since recent closures, and also school places are short, so the growth of the town needs to secure the additional school site as originally promised.
- Wildlife loss due to the impact of losing so much green space and trees has always been my biggest objection to this site and any reduction of promised green spaces or hedgerow and tree removal is not acceptable.
- I understand this is a regular tactic by building companies to try and reduce their commitments when the site construction is well underway, and that regulations can prevent councils from ensuring the promises are upheld. I will be writing to our own MP to discuss her raising such repeated manipulation of regulations in parliament.
- An independent CPV report confirms the development can support S106 contributions of over £7m far higher than the £1m offered. The proposed amount is significantly below what is reasonable for a development of this size.
- On what basis are the Developers using to justify the lower figure? If it is based on a downturn in the housing market, then this is of their own making. The large number of new homes is straining local services in Bolsover, for instance a lack of school places will have a negative impact on families wishing to move to the area. A reduction in the contribution will make matters worse.
- The Developers should contribute fully to mitigate the problems caused to the town's infrastructure. Having made profits from their initial phases of development they should not be allowed to renege on their obligations to the town. Planning approval was granted on the basis of substantial community contributions, so the council should not agree to this reduction.

- When planning approval was first granted, it was based on a set of clear commitments and obligations designed to ensure fairness, community benefit, and balance between profit and public interest. These commitments were integral to securing public support and regulatory approval.
- The developers have already achieved substantial profit margins from the development, and any attempt to dilute previously agreed obligations appears to be an opportunistic effort to increase profits further at the expense of the community and the integrity of the planning process. Such actions undermine public trust in both the developer and the planning system. The original commitments – whether financial contributions, community infrastructure, environmental measures, or affordable housing provisions – must therefore be upheld in full.
- There is no proof of Developer costs to back up their calculation.
- This development and similar is putting a strain on all community services in Bolsover and it is right that the Developers should pay for the disruption caused.
- Many of the houses are already sold and residents moving from outside Bolsover are struggling to access local services.
- School provision is key as many new residents have young families. Local School buildings are inadequate to cater for potentially 2,000 extra children from this Development. In addition, other recent developments in the area all require school places. Welbeck Road Infants and New Bolsover schools are housed in Victorian buildings which needed replacing a generation ago. Horsehead Lane Primary is struggling to offer places. If school provision is a problem potential new residents will be reluctant to buy the houses and they will not sell. In its current parlous financial state Derbyshire County Council is unable to improve our school provision without substantial funding from large housing Developers.
- In its current parlous financial state Derbyshire County Council is unable to improve our school provision without substantial funding from large housing Developers. Local Health Centres are finding it increasingly difficult to register new patients and we have one Dental Practice.
- The infrastructure of the town requires major improvement, especially roads and access to what is a very small-town centre. The Strata and Persimmon developments all converge on the town centre at the same point. It is essential these Developers help minimise the issues their housing developments create for Bolsover.
- The changes are misleading, making the planning process look like a “laughing stock.”
- It cannot be considered to be the same scheme that was passed several years ago.
- It is not the role of the Planning Committee and/or the Council to make the proposed development financially viable. Under S106 of the Town & Country Planning Act 1990, local planning authorities can make legally binding agreements with developers when granting planning permission. These legally binding agreements are meant to mitigate the impact of new developments, ensuring developers contribute to community needs, such as affordable housing, infrastructure, public open spaces and local amenities. It would seem that the developers are now attempting to not honour that agreement purely to increase their profit margins at the expense of the residents of Bolsover.
- There is no lawful, logical or evidence-based justification for reducing the agreed S106 obligations.
- If the scheme cannot afford S106 contributions, a £1,000,000 contribution is impossible. If a £1,000,000 contribution is possible, their FVA is incorrect. A public, unsupported offer is not viability evidence and carries no weight under the NPPF or PPG. It cannot

lawfully justify reducing binding S106 obligations.

- The independent review of the developers' FVA concludes that the S106 contributions are viable. Accepting the reduced S106 would be legally unsafe.
- Given the contradiction in the developers' evidence and the findings of the independent viability review the Council should:
  1. Reject the unsupported £1,000,000 offer- It has no evidential basis and carries no planning weight.
  2. Require Persimmon Homes, Strata Homes and Stancliffe Homes to pay the agreed S106 contributions.
  3. Require a new FVA if the developers wish to dispute the Independent Review's findings.

Until then the original contributions must stand.

- Approval would compromise sustainable development, placemaking, and legal integrity.

Comments received that are unrelated to this application, but relevant to the assessment of approval of reserved matters application 25/00069/REM which is pending consideration can be summarised as follows:

- The 2<sup>nd</sup> phase of the Persimmon development will only have one road, which is Crown Crescent where we live to feed all the houses on the 2<sup>nd</sup> phase as well as a lot of properties that have already been built in the 1<sup>st</sup> phase. The amount of traffic which will be coming and going down this one access road at peak times will be horrendous. The rest of the proposals for the park are a great idea but has any consideration gone into the wildlife that will be uprooted as there are Common Buzzards and loads of other birds that nest around the area which is being developed.
- The Current Infant School location will be unsafe with the new major road network that is planned.
- Reference is made to excessive water on site and this being a consequence of land drainage measures having been weakly executed on site. It is considered that this should be inspected, corrected / repaired before any future work is signed off.

These have been included in the report for this related application.

One representation in support of the application has been received, with no comments provided.

Full details of the representations received can be viewed on the Council's Public Access Platform under the documents associated with the planning case file.

## **POLICY**

### Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1: Sustainable Development
- SC3: High Quality Development
- SS4: Strategic Site Allocation – Bolsover North
- LC2: Affordable Housing through Market Housing
- LC3: Type and Mix of Housing
- SC4: Comprehensive Development
- II1: Plan Delivery of the Role of Developer Contributions

### National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): Achieving sustainable development
- Paragraphs 61 – 84: Delivering a sufficient supply of homes
- Paragraphs 48 – 51: Determining applications
- Paragraphs 56 – 59: Planning conditions and obligations
- Paragraphs 124 – 130: Making effective use of land
- Paragraphs 131 – 141: Achieving well-designed places

## **ASSESSMENT**

1.1 The applicants seek approval from the Local Planning Authority to modify the legal agreement dated 22<sup>nd</sup> September 2021 to facilitate a 0.2ha area reduction in the size of the extra care facility and / or affordable housing land and a 0.6ha area reduction in the size of the Town Park to correspond with the development applied for under planning application code ref. 25/00069/REM, which is pending consideration. The applicants have also presented viability information to demonstrate that the future development would not be a viable proposition, with the secured level of developer contributions. A revised offer of circa £1,118,997 (including the travel plan and Elmton Lane road improvements) was been offered up in lieu of the following contributions:

- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Public Realm Sum - £90,711
- Town Park Commuted Sum - £738,430
- Primary Education Contribution - £931,390
- Secondary Education Contribution - £962,397
- Town Park – Delivery and maintenance - £647,690

in addition to the provision and transfer of 1ha of land for a new infant and nursery school and the town park and extra care facility land.

1.2 The mechanism to modify the original agreement is prescribed in the Town and

Country Planning Act 1990, which states that a planning obligation may not be modified or discharged except either by agreement between the “appropriate authority” (the LPA in the case) and the person(s) against whom the obligation is enforceable or in accordance with s106A. An application can only be made under s106A after the relevant period of 5 years. This means 5 years beginning with the date that the obligation is entered into. As the original agreement was completed on the 22<sup>nd</sup> September 2021, it can only be modified through mutual agreement at this time. In such a scenario, there is no right of appeal in respect of any decision that is taken.

- 1.3 The Local Planning Authority could choose not to accept/consider the request, however, there is an expectation that, as a responsible authority, it will consider proposals the effect land use and development in the public interest, particularly where this is linked to its plan making responsibilities and ensuring the delivery of sustainable development within its planning area to meet identified needs.
- 1.4 The site is identified in the Local Plan for Bolsover District as a strategic site allocation – Bolsover North, under Policy SS4. As a strategic site it has a key role in relation to achieving the spatial strategy set out Strategic Policy SS3, which identifies Bolsover as being one of the most sustainable locations with the district. The site also makes a significant contribution towards meeting the local housing need for the district.
- 1.5 The request needs to be considered in the context of meeting the Council’s ambitions for growth and change. It is also considered appropriate to consider the legislative framework for determining s106A applications to establish whether the proposed modifications would be acceptable in planning terms, notwithstanding that these provisions do not apply to the current request. In assessing an application to modify an agreement under S106A an authority may determine:-
  - (a) that the planning obligation shall continue to have effect without modification;
  - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
  - (c) if the obligation continues to serve a useful purpose but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 1.6 Having regard to the scope of consideration, relevant provisions of the development plan and consultation comments and representations received, the main issues to consider in reaching any decision on whether to approve the modifications include:
  - a) The reasons / case for modification
  - b) The impact of the changes to the obligations on the acceptability of the approved development to which they relate, and;
  - c) Whether the obligations serve a useful purpose and if so, whether the changes would serve that purpose equally well

#### The reasons / case for modification

- 1.7 There are two drivers behind the proposed modifications to the section s106 agreement dated 22<sup>nd</sup> September 2021. The first is the requirement to make physical changes to the development on the ground to optimise the amount of development



whilst responding positively to the character of area and the site constraints, including the need for larger surface water attenuation features than originally envisaged due to underlying ground conditions. The desire to deliver high quality development, incorporating a good standard of landscaping including street trees and a dedicated cycle lane has also reduced the developable area further and has contributed to a reduction in the amount of development.

- 1.8 The second driver is the viability of future development. The Local Plan for Bolsover District 2020 recognises that viability can be an issue on housing development sites. Key issues for Bolsover District include paragraph 2.41 g) “Ensuring the delivery of new housing in an area of marginal viability where delivery has been challenging.” The key housing issues identified in the Local Plan includes paragraph 5.2 f) “A remaining viability challenge for residential schemes to deliver both infrastructure and policy requirements.” Local Plan Policies LC2, LC3 and II1 all make provision for considering viability issues.
- 1.9 The applicant in making the request to modify the obligations presented a review of the viability of phase 2. The viability review was prepared in accordance with national guidance, including that any viability assessment should reflect the Government’s recommended approach to defining key inputs as set out in Planning Practice Guidance on Viability. The appraisal examines in detail both the expected gross development value generated from the sale of the various elements of the development, i.e. the market houses, the expected build costs for the development, i.e. the cost of building the new houses and other forms of development; professional fees; Section 106 policy obligations; financing and developer profit.
- 1.10 The consortium assessed a single scenario with 100% market value housing and Section 106 contributions totalling £7,648,845. This resulted in a residual land value of (minus) -£17,532,284. This was below their separately assessed benchmark land value of £6,700,000 and therefore failed to meet the viability threshold. The deficit of £24,323,284 was such that the development was not considered to be able to contribute towards any of the secured planning obligations.
- 1.11 Notwithstanding the above position the consortium in a letter accompanying the application, stated that the consortium was committed to the delivery of the following infrastructure/S106 requirements:
- Serviced Land for the onsite Primary School;
  - Elmtun Lane Improvements;
  - 3.6ha Town Park and initial 12 month maintenance;
  - Delivery of the Travel Plan;
  - Incidental Open Space areas;
  - New link road and associated demolition of existing properties at Longlands and construction of new properties to facilitate rehoming of the Longlands residents.
  - Serviced Land for the onsite Extra Care Facility / Affordable Housing Land.
- 1.12 The cost of delivering these wider benefits as part of the residential development was calculated to be approximately £4,819,517. It should be noted that some of these

benefits are required to facilitate the development (policy on contributions) and sit outside of the defined financial contributions within the s106 dated 22<sup>nd</sup> September 2021. Only the travel plan and Elmton Lane improvements are included in the s106 pot of contributions secured.

- 1.13 The consortium acknowledges in the accompanying application letter that such contributions would be unlikely to be supported by planning committee members. As such, they offered an additional £1,000,000 as a financial contribution in addition to the items above to be delivered on-site. This resulted in an equivalent contribution of £1,118,997 against the remaining s106 financial contribution pot of £7,333,679 including indexation.
- 1.14 The applicant's initial viability assessment was independently assessed by an independent viability expert (CP Viability Ltd) (CPV) on behalf of the Council. Several issues were raised in respect of the information provided and assumptions made by the consortium in the assessment. Discrepancies were raised in respect of the gross development values used for the Persimmon dwellings and the joint venture and individual housebuilder external and abnormal costs, professional fees percentage, marketing costs, finance and developer profit assumptions were not agreed.
- 1.15 Within the representations received, there is reference to the need for the existing affordable housing provisions being upheld. The Council's initial viability assessment makes reference to 10% affordable housing being included within the model. The original obligations, however, include land to be set aside for an extra care facility and / or affordable housing, in lieu of developer provided on-site provision. The agreement does, however, contain provisions to review project viability and deliver additional affordable housing over a threshold in circumstances where a super profit is made.
- 1.16 Having regard to the terms of the original outline permission and associated s106 agreement it was established that full S106 payments of £7,353,709 (£7,408,709 if the land transfer costs referred to in the Savills assessment are included) could be viably made.
- 1.17 The applicant submitted a 'Response to CPV Review' by Savills dated November 2025. The report specifically looked at the key areas of disagreement, namely Gross Development Value (Persimmon dwellings), plot abnormal costs, contingency, professional fees, profit and finance.
- 1.18 In the interest of reaching an agreed position the applicant agreed to adopt the lower quartile build cost rate but reserved their position on this assumption. To come to a swift conclusion on contingency, the applicant also offered up a mid-point of 3.5% as a compromise position.
- 1.19 With regard to plot abnormals the applicant did not support the approach taken by CPV, and the appointed QS 'Hainstone' to remove all the plot abnormal costs. They did not accept that the costs were accounted for in the external works. Further information was presented from Persimmon, Strata and Stancliffe Homes in relation to their plot abnormal costs. These itemised abnormal costs included works outside of typical external works, including cut and fill, abnormal drainage works, retaining walls,

underbuild, concrete in foundations, substation, specific plot works, elevational uplifts and sewer excavation totalling £5,684,760.

- 1.20 The Council's viability expert in considering abnormal costs in their initial assessment, had not taken into consideration the assessment of the individual housebuilder abnormal costs, instead focussing on the joint venture abnormal costs summary in dismissing these. Hainstone had reviewed the individual housebuilder abnormals and agreed that some costs were admissible in a separate appraisal. These should have fed into CPVs initial assessment. Paragraph 4.29 of the original CPV appraisal is erroneous in this respect.
- 1.21 In the interests of reaching an agreed position on the remaining areas of disagreement, the applicant offered up 8% for professional fees, 2.85% for marketing and sales fees, 7.25% for finance and 18.5% for profit, noting that higher profits had been accepted for other developments within the district.
- 1.22 With the above assumptions and inclusion of abnormal costs, the applicant maintained that the development remained unviable with the developer contributions offered up.
- 1.23 Accepting the marketing fee adjustment but maintaining its assumptions or making reduced concessions in other areas and adjusting the benchmark land value, the Council's viability expert advised that s106 development contributions of up to £3,500,000 could be viably made with a developer profit of 17.5% on revenue.
- 1.24 Reflecting on the amended viability position, officer's wrote to the applicant's agent to advise, without prejudice to any decision that is ultimately taken on the applications at planning committee that in order to be able to present a case that the obligations in a modified form would continue to serve the original purposes equally well in viability terms and to achieve sustainable development in the round, that the following developer contributions would need to be provided as a minimum:
- Elmton Lane Contribution - £104,638
  - New School Contribution - £3,528,988
  - Road Network Contribution (per plot) - £335,046
  - Primary Education Contribution - £931,390
- 1.25 The consortium (applicant) agreed to make such contributions, totalling £4,900,062, which would involve a reduction in overall developer profit, with all other financial contributions to be deferred following future viability review in addition to the land to be offered up for the town park, extra care facility / affordable housing and school (with a reduction in land area in the case of the town park and extra care facility / affordable housing land). This was reflected in the amended proposals at this time.
- 1.26 To ensure that this amount is the minimum possible to ensure a viable proposition to a developer, an assessment of overall project viability has been undertaken which considers any super profit made from the phase 1 development that has been carried out and the 1.98 acres of residual residential land which does not form part of the latest approval of reserved matters application (25/00069/REM) to the south of the new school land.

- 1.27 CPV produced a final viability appraisal on behalf of the Council, which reflected on the applicant's rebuttal comments and incorporated within the model the QS accepted abnormal costs for the individual house builders and minimum s106 contributions. They ran models for three scenarios, phase 1, phase 2 and phase 1 and 2 combined (including the residual residential land).
- 1.28 The Phase 1 scenario, with a fixed benchmark land value of £2,290,617 (£75,000 per acre) generates a residual developer profit of 16.87% on revenue. This demonstrates that no super profit has been made in respect of the development already undertaken, which should feed into the assessment of the remaining phases.
- 1.29 The assessment of phase 2, with an allowance for the residual residential land and a benchmark land value of £5,258,288 (£80,000 per acre) generates a residual developer profit of 16.83% on revenue.
- 1.30 Phase 1 and Phase 2 combined with the residual residential land with a fixed benchmark land value of £7,548,905 (£78,414 per acre, which is equivalent to £75,000 per acre) generates a residual developer profit of 16.70% on revenue.
- 1.31 It is clear from the outcomes of the independent viability appraisal work undertaken that the remaining development does not meet the accepted viability threshold and falls well below the consortium's suggested profit margin for a development of this nature (20%).
- 1.32 The additional s106 contribution amount of £335,340.78 following deferral of the matter at the planning committee meeting on the 10<sup>th</sup> December 2025 reduces the level of developer profit across phase 2 and phases 1 and 2 to 16.65% and 16.55% on revenue respectively (within no adjustment to benchmark land value).
- 1.33 The reasons for the modifications, in their amended form, are justified in this respect. Without the modifications there is a risk that the remaining development would not be deemed a viable proposition by the consortium and will not come forward.

The impact of the changes to the obligations on the acceptability of the approved development to which they relate

- 1.34 Policy II1: Plan Delivery and the Role of Developer Contributions, states that *"To aid plan delivery, planning obligations will be sought where the implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency. The identification of this need will be assessed on a case-by-case basis but will be guided by the latest version of the Council's Infrastructure Study and Delivery Plan."*
- 1.35 The latest version of the Council's Infrastructure Study and Delivery Plan was published in February 2025 and is based on information provided by infrastructure providers at various points in the year previous. In terms of the local priority for infrastructure provision, Infrastructure Study and Delivery Plan identifies the following general priority hierarchy:

Importance to the Local Plan Strategy	Type of Infrastructure Project
Critical	<ul style="list-style-type: none"> <li>• Road capacity</li> <li>• Utilities</li> <li>• Water</li> <li>• Education - Primary Phase</li> </ul>
Necessary	<ul style="list-style-type: none"> <li>• Cycling and Walking</li> <li>• Green Space - Town Parks</li> <li>• Green Space - Quantitative improvements</li> <li>• Education - Secondary Phase</li> <li>• Health</li> </ul>
Complementary	<ul style="list-style-type: none"> <li>• Green Space - Qualitative improvements</li> <li>• Strategic Green Infrastructure</li> </ul>

- 1.36 This priority hierarchy provides a general guide to how financial contributions should be prioritised. However, Policy II1 identifies that need will be assessed on a case by case basis but will be guided by the requirements of specific policies elsewhere in the Council's Local Plan. In relation to viability it sets out that *"Where the need for infrastructure and other requirements arising from development is proven to exceed that which can be viably funded through the development, priority will be determined by the District Council based on the importance of the infrastructure and other requirements, to the delivery of the Local Plan."*
- 1.37 This aspect also needs to be considered against the evidence by way of consultee responses and the evidence arising from the specific circumstances of the application.
- 1.38 The site is identified in the Local Plan for Bolsover District 2020 as a strategic site allocation – Bolsover North, under Policy SS4. As a strategic site it has a key role in relation to achieving the spatial strategy set out Strategic Policy SS3, which identifies Bolsover as being one of the most sustainable locations with the district. The site makes a significant contribution towards meeting the local housing need for the district.
- 1.39 As a strategic housing allocation with outline permission the site has a number of specific obligations to deliver. These include:
- Deliver an improved highways links through the re-routing of Welbeck Road through the site to connect with Marlpit Lane.
  - Improving the existing local highway network in Bolsover as related to the development.
  - Provide for the expansion of primary phase education provision in Bolsover through the relocation of the existing Bolsover Infant and Nursery School to within the site and providing for its expansion as related to the development.
  - Provide for the expansion of primary phase education provision in Bolsover

- Deliver an Extra Care / social housing scheme within the site.
- Meet green space standards through the creation of a town park within the site.
- Contribute to the planned Bolsover Town cycle network through the provision of cycling facilities within the site.
- Contributing to the development of the planned wider multi-user trails network through the retention and improving of Elmton Lane as a principal green corridor to the countryside.
- Contributing towards minimising the need to travel by private car through provision of convenient access via sustainable modes of transport to locations of employment and services.

1.40 These requirements were integrated into the original s106 and/or have been incorporated in the design of the development that has come forward on the site.

1.41 The below table compares the proposed developer contribution modifications against the outstanding contributions contained within the original s106. At the time of presenting the request to modify the agreement to planning committee on the 10<sup>th</sup> December 2025 the applicants had not accounted for the primary and secondary school place contributions that had been paid or invoiced in respect of development that had already come forward on phases 1A and 1B in their viability appraisal work. The contribution amounts were also not proportionate to the amount of development that was proposed to come forward (accepting a pro-rata secondary school place contribution requirement), hence the difference in the education contribution amounts in bold in the below table to those reported to planning committee on the 10<sup>th</sup> December 2025. The table also includes the revised offer to provide a secondary school place contribution.

	<b>S106 Current summary of outstanding Financial Requirements</b>	<b>Deed of Variation proposed requirements</b>
Elmton Lane Contribution	£104,638	£104,638
Framework Travel Monitoring Plan	£14,359	
New School Contribution	£3,528,988	£3,528,988
Road Network Contribution (per plot)	£335,046	£335,046
Public Realm Sum	£90,771	
Town Park Commuted Sum	£738,430	
Primary Education Contribution	<b>£712,598.78</b>	<b>£712,598.78</b>
Secondary Education Contribution	<b>£554,138.06</b>	<b>£554,138.06</b>
Town Park – Delivery and maintenance	£647,690	
	<b>£6,726,658.84</b>	<b>£5,235,408.84</b>

1.42 In relation the Infrastructure Study and Delivery Plan, the proposals place an emphasis on meeting the critical and some necessary elements with the provision of land and contributions towards a new school, primary and secondary school place contributions

and road related aspects. Such contributions will not be affected by the proposed modifications, thereby not prejudicing the delivery of key infrastructure notwithstanding other funding streams that may or may not be available in respect of education provision.

- 1.43 The modifications would now not rely on DfE capital funding to deliver the secured school places based on a pro-rata assessment of needs arising from the development, which the County Council support.
- 1.44 Significant deferred contributions would include the public realm sum and the contribution towards the delivery and maintenance of a new town park. With regard to the delivery of the new town park, there is an allowance within the agreed external costs that the development will provide an equipped play area on the land. The requirement to provide site landscaping to ensure appropriate biodiversity mitigation and a pedestrian route through the park to provide good connectivity through the site will ensure that the main structure of the park is provided. The land will also be transferred to the District Council for £1, which will facilitate its delivery, future development and maintenance, which could be funded in part by additional Council Tax income. Given that the number of dwellings proposed has reduced from 950 dwellings to 811 dwellings, the revised area of 3.76ha exceeds the Local Plan green space requirements set out in the Table at Local Plan paragraph 8.32, Policy ITCR5: Green Space and Play Provision. With the other green space of 2.84 ha a total of 6.6ha of green space will be provided, which meets the policy requirement.
- 1.45 The provision of 0.8 ha of land for an extra care facility would continue to meet the requirements for a 70-unit care facility.
- 1.46 The development proposed as part of application code ref. 25/00069/REM includes uplift to building design (included in abnormal costs) to deliver successful place and high-quality design, which negates the requirement for the public realm enhancement / design uplift contribution.
- 1.47 With the proposed modifications to the s106 it would remain the case that the development approved under application code ref. 14/00080/OUTEA would continue to deliver sustainable development that is important to meeting the housing needs and growth ambitions of the district and satisfy the relevant provisions of the development plan and national planning policy.

Whether the obligations serve a useful purpose and if so, whether the changes would serve that purpose equally well

- 1.48 Planning obligations are entered into provide infrastructure to support the development of an area. Regulation 122 of The Community Infrastructure Levy Regulations 2010 requires that a s106 obligation must meet 3 legal tests:
  - (i) necessary to make the development acceptable in planning terms
  - (ii) directly related to the development
  - (iii) fairly and reasonably related in scale and kind to the development.

- 1.49 The purpose which the obligations fulfil is to ensure that the development delivers policy compliant infrastructure, including highway improvements, land for a town park, new infant and nursery school, extra care facility and / or affordable housing, public realm enhancements and contributions towards education provision.
- 1.50 This purpose is clearly a useful one. At the time planning permission was granted, the initial obligations entered into were necessary to ensure that the development complied with the development plan and mitigating any impacts it had, benefiting local communities and supporting the provision of local infrastructure. Clear policy requirements and evidence supported these at the time and continue to do so.
- 1.51 The proposed modifications to the obligations would facilitate the delivery of housing to meet the district's housing needs, whilst delivering all of the critical and some necessary infrastructure required to meet development plan policy and the Councils Infrastructure Study and Delivery Plan (2025) and the requirements of the County Council in respect of education contributions. The deferral of other necessary infrastructure would not unacceptability impact on the town, to the extent that the development could be construed as not delivering sustainable development or complying with the relevant provisions of the development plan or national planning policy. The proposed modifications to the agreement would serve the purposes of the original obligations equally well in this regard.

### Conclusion

- 1.52 The Bolsover North site is one of the most sustainable locations in the district. It is a strategic land allocation in the District Council's Local Plan and the Local Planning Authority is keen to see the site come forward and contribute towards the delivery of sustainable development to meet identified housing needs and the infrastructure necessary to achieve this.
- 1.53 The Written Ministerial Statement "Building the homes we need," 30th July 2024, underlines the importance the Government places on housing delivery and acknowledges that the nation is in the middle of the most acute housing crisis in living memory. It highlights the vital role that decisions play in delivering housing and the need to build new homes.
- 1.54 Clear reasons for modifying the obligations contained within the original agreement dated 22<sup>nd</sup> September 2022 namely, to facilitate high quality development that makes full and effective use of the site and ensures project viability have been established.
- 1.55 Following independent review of the consortium's viability position and assessment of the abnormal costs presented by a QS, it has been established that the remaining development would not be viable with a 17.5% profit on revenue (which is considered to be a reasonable level of profit at this stage in the build out). Where development fails to meet viability thresholds there is a risk that it will not come forward / is seen as too great a risk by a developer(s).
- 1.56 It has, however, been established that the remaining development is able to provide developer contributions in excess of the travel plan and Elmtun Lane road improvements



contributions and £1m towards the other planning obligations, amounting to circa £1,118,997 originally offered up by the consortium (excluding the land for a town park, primary school and an extra care facility / affordable housing).

- 1.57 Following negotiations with officers and the County Council the consortium have agreed to make contributions totalling £5,235,408.84 in addition to providing the land for a town park (3.6ha), an extra care facility / affordable housing (0.8ha) and primary school. This results in the consortium taking a hit on developer profit to be able to deliver sustainable growth in Bolsover.
- 1.58 The s106 dated 22nd September 2021 can only be modified with the mutual agreement of all parties, as the relevant period of 5 years set out in S106A of the Town and Country Planning Act (1990) has not yet passed since the original agreement was completed. Whilst the District Council could choose not to agree to modify the original s106, it is clear through viability testing that the proposed development is not a viable proposition with the current development contributions. The proposed modifications include contributions above an agreed viability threshold to ensure the delivery of all critical infrastructure and contributions to towards both primary and secondary school places to satisfy and secure the agreement of the County Council to the changes and would facilitate the delivery of housing to meet the district's housing needs. The deferral of the other additional infrastructure identified would not unacceptability impact on the town, to the extent that the development could be construed as not delivering sustainable development. The modifications to the developer contributions proposed would continue to serve the purposes of the original obligations equally well in this regard and ensure that high quality, planned development comes forward. It is recommended that the Local Planning Authority agree to modify the obligations on this basis.

## **RECOMMENDATION**

That the Local Planning Authority agree to modify the s106 agreement dated 22nd September 2021 to secure £5,235,408.84 (plus any further indexation where relevant) towards the following:

- Elmton Lane Contribution - £104,638
- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Primary Education Contribution - £712,598.78
- Secondary Education Contribution - £554,138.06

and to reduce the town park land area to 3.6ha and the extra care facility land to 0.8ha and extend the current clawback provisions / periods and scope of the contributions in favour of the education authority (land and financial contributions), with all other outstanding financial contributions to be deferred following viability review at an appropriate stage(s) in the future build out.

## **Equalities Statement**

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and*

*advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).*

*In this case, there is no evidence to suggest that the proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic. The proposals would secure the critical developer contributions necessary to deliver sustainable development in the short term. Other infrastructure will be provided through other funding streams or through deferred contribution payments, where viability allows.*

### **Human Rights Statement**

*The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).*

*It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.*

## RESOLUTION TO BE MADE ON APPLICATION CODE REF. 25/00433/OTHER BEFORE THE CONSIDERATION OF THIS ITEM

**PARISH** Old Bolsover Parish

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**APPLICATION** Application for approval of reserved matters for residential development (547 dwellings), public open space (including a town park), landscaping, spine road (including required demolition of Nos. 34-40 Longlands & No. 42 Welbeck Road) and associated infrastructure (An Environment Impact Assessment was submitted alongside the original outline planning application). The application also proposes the discharge of conditions 21 and 22 of planning permission 14/00080/OUTEA in relation to the phases/development included within this reserved matters application.

**LOCATION** Land Between Welbeck Road and Oxcroft Lane Bolsover

**APPLICANT** Strata Homes, Persimmon Homes, and Stancliffe Homes

**APPLICATION NO.** 25/00069/REM **FILE NO.** PP-13757417

**CASE OFFICER** Mr Peter Sawdon

**DATE RECEIVED** 11th February 2025

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### BACKGROUND AND SUMMARY

This and the associated application ref. 25/00433/OTHER were deferred from Planning Committee at its December meeting to enable the applicant and Derbyshire County Council (DCC) to discuss an agreeable solution to the potential developer contributions and allow DCC to commission their own viability appraisal.

This item is referred to planning committee due to the strategic importance of the Bolsover North Development site and due to issues surrounding site viability being considered under a separate application (application reference 25/00433/OTHER) that is seeking to amend the requirements of the original S106 Planning Obligation associated with the original outline planning permission, that if approved would amend the land for key elements of the design, that this application is directly affected by.

The application is recommended for the approval of the submitted reserved matters, subject to conditions.

The re-consideration of the S106 planning obligation seeks to reduce financial contributions, but also the size of the proposed town park and extra care and/or affordable housing land to that which was defined in the original grant of outline planning permission and the layout subject of this application incorporates those reduced land areas.

The associated application for a variation to the S106 planning obligation is subject of a separate report to planning committee and is supported by an associated viability assessment; this concludes that the site is unviable with the original S106 planning obligation requirements retained and recommends acceptance of a variation to the S106.

This report has therefore been prepared on a without prejudice basis, assuming the

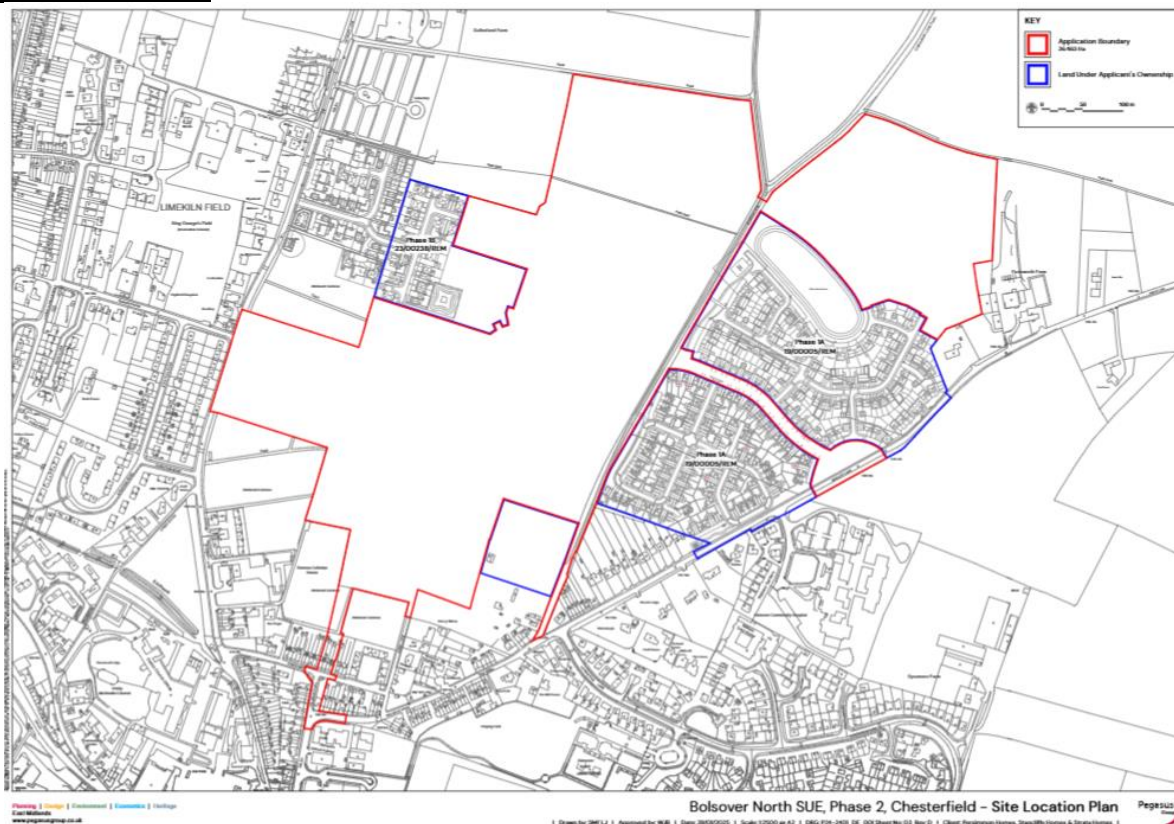
acceptance of the recommendation to support the S106 variation.

Outline planning permission for residential and associated development of this land was granted in October 2017 (ref. 14/00080/OUTEA), with two previous reserved matters planning permissions consented in April 2021 (ref. 19/00005/REM – Phase 1 for 238 dwellings), and December 2023 (ref. 23/00238/REM – Phase 1a for 21 dwellings).

At the end of September 2025 delivery of dwellings from these consents was as follows: -

Application ref.	Completed	Under construction	Not commenced
19/00005/REM	204	34	0
23/00238/REM	16	5	0
Totals	220	39	0

## Site Location Plan



## OFFICER REPORT ON APPLICATION NO. 25/00069/REM

### SITE & SURROUNDINGS

The application site is an irregular shape of land, extending to an area of approximately 26.45 hectares. The site was primarily used as fields for agricultural use with areas of unused rough pastureland. In the southern area, the site is predominantly small rectilinear fields and allotments bounded by maintained field hedgerows of varying quality. To the north, the site is increasingly open, incorporating larger gently undulating arable fields enclosed by hedges.

There are several Public Rights of Way across the site; most notable is Elmtun Lane, a rural lane bounded by field hedges running north-south, connecting to Welbeck Road in the south and to open countryside in the north.

There are existing residential areas generally to the south, east and west of the site, with some areas of retained allotments alongside the western flank of the site fronting Oxcroft Lane. Earlier approved phases of the Bolsover North strategic site are currently under construction along parts of the east and west side of the current reserved matters site. Open fields bound the site to the north and northwest.

There are several trees within small fields in the southern-most area, and some located within hedgerows dividing the field areas.

The site is gently sloping with undulating areas containing valleys and ridges. The land to the north and the east generally falls to the north whilst land to the south-west falls to a valley within the site.

The site is within the settlement envelope and forms part of the Bolsover North Strategic Site Allocation contained in the adopted Local Plan for Bolsover District (Policy SS4).

## **PROPOSAL**

This application is seeking:

- Reserved matters approval for Phase 2 (all remaining areas intended for housing development) of the Bolsover North strategic housing site in respect of details of appearance, landscaping, layout and scale in relation to the development of 547 homes (total of 806 dwellings with the existing reserved matters approvals under construction), open space and associated infrastructure. Details show the delivery of the main means of access into the site that were established by the outline planning permission); and
- Approval for the discharge of the following conditions of the outline permission ref. 14/00080/OUTEA [in respect of the areas of the site included in the parts of Phase 2 that are the subject of this reserved matters application]: -
  - Condition 5 – Design & Access Statement
  - Condition 6 – Updated Phasing Plan
  - Condition 8 – Travel Plan
  - Condition 10 – Bin Store Details
  - Condition 11 – Disposal of Highway Surface Water
  - Condition 14 – Written Scheme of Investigation for Archaeology
  - Condition 15 – Landscape & Landscape Management Plan
  - Condition 16 – Hedgerow Plan
  - Condition 19 – Noise Impact Assessment
  - Condition 21 & 22 – Submitted Drainage Plans

The reserved matters application site excludes land intended for the Extra Care Facility and Primary School land that were also subject to the outline planning permission; these developments would have to be subject to later reserved matters planning applications prior to their construction. It is stated that the development will however facilitate the delivery of the necessary access points and services to enable their delivery.

Aligned with the above, the submitted layout drawings show a proposed reduction in the proposed areas for the extra care facility and town park from those of the original outline planning permission as follows: -

	Original requirement	Proposed amendment
Town Park	Approximately 4.2 ha	3.6 ha
Extra Care Land	Approximately 1 ha	0.8 ha

The reduction in these areas is sought to address issues of site viability that themselves have been impacted by a reduction in the areas of developable land on the site generally; primarily these have resulted from changes to the requirements for the provision of increased areas for Sustainable Drainage Systems (SuDS) that have derived from more detailed testing of ground conditions, which are not as permeable as envisaged at the time of initial testing. Additional demands on available space to develop for houses has also arisen from an increased emphasis in national guidance in respect of the provision of street trees that results in wider roads, and the provision of a dedicated cycle path along large parts of the spine road to address greater emphasis on sustainable transport, that were not included as part of the initial masterplan documents, that were based on normal requirements at that time. The overall number of deliverable dwellings has therefore been reduced to around 85% of the initially envisaged 950 dwellings.

This application, along with the parallel application seeking amendments to the S106 planning obligation, therefore seek to make reductions in the areas for the Town Park, ancillary open space and extra care requirements to seek to strike a balance between the competing objectives of the infrastructure needs of the development, whilst seeking to ensure a deliverable development, having regard to site viability in that the scheme is not considered to be viable with all the original requirements in place. Notwithstanding the outcome of any viability considerations, it is stated that the reduction in the areas to that suggested is reflective of the equivalent reduction in the quantum of deliverable housing, and fairly and reasonably relates to this.

Of note is that the proposal retains the requisite 1ha of land for the future school provision and reflects discussions with the Education Authority that have identified that 1ha is the minimum amount of land needed to deliver a new school, and that such provision would not be possible with any reduction.

In accordance with the S106 agreement obligations attached to the original outline planning approval, the land identified on the approved masterplan for the extra care facility and primary school would be transferred to the District and County Councils to facilitate the final delivery of these features.

The initial development of the town park would be undertaken by the developers and, following an initial 12-month maintenance period, is proposed to be put forwards for adoption by Bolsover District Council.

#### Proposed Layout Plan





The development is proposed to be delivered by three developers as follows: -

- Strata Homes - 230 Residential Dwellings – Town's Edge & the West Village (southern area)
- Persimmon Homes – 212 Residential Dwellings – the East Village & the West Village (central and northeastern areas)
- Stancliffe Homes – 105 Residential Dwellings - the West Village (central & northwestern area)

The density would be 20 dwellings per hectare (dph) gross, 30dph net. The application states that this allows for the formation of different densities across the development including a higher density in the south of the scheme, adjacent to existing residential areas and lower density areas towards the northern Countryside Edge, delivering a range of household types from larger detached properties with larger plots through to smaller terraced forms creating variety in the proposed streetscape. 55% of the dwellings would be 2 and 3 bedrooms, with the remaining 45% being 4 and 5 bedrooms in size.

The height and massing of the proposed development varies across the site according to the nature of the public realm to be created. Most of the dwellings will be 2-storeys, reflecting the surrounding built form. Some bungalows and 2.5 and 3 storey dwellings are also proposed.

Taller dwellings would be consistently used around the perimeter of the Town Park to respond to the scale of the proposed public space and consistent with the principles identified within





Wetland features are also proposed to be located within the proposed areas of greenspace to maximise the delivery of biodiversity across the site as part of the development's sustainable drainage infrastructure.

The proposal includes for the extension of the existing main spine road that is currently accessed from Welbeck Road to the east, to link that road to Longlands to the south of the site, as required by the outline planning permission; this includes the demolition of 5 dwellings (4 on Longlands and 1 on Welbeck Road).

Most of the new housing would be accessed either directly from the spine road, or new highways that would be accessed via that road, except for a small part of the site to the west that would be accessed from Oxcroft Lane to the west. Traffic control features are proposed to preclude through access for vehicles for most of the development to Oxcroft Lane to the west, in accords with the requirements of the original outline planning permission; access for pedestrians and cyclists would be available. Additional links to facilitate pedestrian and cycle access to the existing footpath and bridleway network for future residents of the development are also proposed.

The existing segregated footway that has been provided along the first section of the spine road within the first phase of development would be extended through the site, in part running through the town park, linking to Longlands to the south.

It is stated that all plots will be provided with electrical vehicle charging points, either integrated within garages, mounted on side elevations, or charging pedestals, along with cycle storage to be accommodated within rear gardens and/or garages where provided.

#### Supporting Documents

Documents submitted with initial application: -

#### *Site Wide Documents*

- DESIGN AND ACCESS STATEMENT (replaced by amended document submitted 03/03/2025) [Parts 1 – 4]
- PLANNING STATEMENT
- P24-1323-EN-001B - TOWN PARK LANDSCAPE MASTERPLAN
- P24-1323-EN-002A - TOWN PARK DETAILED HARD & SOFT LANDSCAPE PROPOSALS
- P24-1323-EN-003A - WIDER SITE LANDSCAPE MASTERPLAN
- P24-1323-EN-004A - HEDGEROW PLAN
- P24-2401-DE-001-D-03 - LOCATION PLAN
- P24-2401-DE-003-G - MASTERPLAN
- BOL2-WR278-BTP-001 REV A - WELBECK ROAD S278 - BOUNDARY TREATMENT PLAN
- 48920-ECE-XX-XX-DR-D-0001 REV P06 - S278 WELBECK ROAD GENERAL ARRANGEMENT & SIGNING & LINING
- 48920-ECE-XX-XX-DR-D-0011 REV P02 - S278 OXCROFT LANE GENERAL ARRANGEMENT & SIGNING & LINING
- 48920-ECE-XX-XX-DR-D-0021 REV P02 - S278 DEED OF VARIATION - MARLPIT

## LANE GENERAL ARRANGEMENT

- BOL2-ELCD-001 - ELMTON LAN CROSSING/KERBING DETAIL
- P24-2401-DE-009-01 - INDICATIVE STREET SCENES (1 OF 3)
- P24-2401-DE-009-02 - INDICATIVE STREET SCENES (2 OF 3)
- P24-2401-DE-009-03 - INDICATIVE STREET SCENES (3 OF 3)
- VIEW 1 - TOWN'S EDGE
- VIEW 2 - WEST VILLAGE (COUNTRYSIDE EDGE)
- VIEW 3 - EAST VILLAGE
- STREET SCENES – ARTISTIC IMPRESSIONS
- STREET SCENES – ARTISTIC IMPRESSIONS
- P24-2401-DE-028-C - COMPOSITE MATERIALS PLAN
- P24-2401-DE-029-B - COMPOSITE BOUNDARY TREATMENTS PLAN
- P24-2401-DE-030 SHEET NO.1 REV B - PHASING PLAN
- P24-2401-DE-031 SHEET NO.1 REV B - CONNECTIVITY PLAN
- P24-2401-DE-032-B – MANGEMENT PLAN
- P24-2401-DE-033-C - HIGHWAYS ADOPTION PLAN
- P24-2401-DE-034-A - TOPOGRAPHICAL SURVEY
- P24-2401-DE-035-B - KEY DIMENSIONS
- P2162 - HIGHWAY DESIGN OVERVIEW CHECKLIST
- P2612 - D -1001 - ROAD HIERARCHY PLAN
- P2612 - D -1002 - ROAD HIERARCHY PLAN
- P2612 - V -1001 REV A - VISIBILITY SPLAYS & FORWARD VISIBILITY IN LINE WITH 20MPH SPEED LIMIT
- P2612 - V -1002 REV A - VISIBILITY SPLAYS & FORWARD VISIBILITY IN LINE WITH 20MPH SPEED LIMIT
- P2612 - T -1001 REV A - SWEEP PATH ANALYSIS 11.6M REFUSE VEHICLE
- P2162 - 20241206 - BOLSOVER NORTH, PHASE 2 - TRAVEL PLAN
- P7884-R1-V1 - NOISE IMPACT ASSESSMENT REPORT
- STATEMENT OF COMMUNITY INVOLVEMENT
- WRITTEN SCHEME OF INVESTIGATION FOR ARCHAEOLOGY TRIAL TRENCHING

## *Persimmon Documents*

- PERSIMMON - HOUSE TYPE PACK
- P24-2401-DE-025-01-J - PERSIMMON - PLANNING LAYOUT
- P24-2401-DE-026-D - PERSIMMON - MATERIALS PLAN
- P24-201-DE-027-C - PERSIMMON - BOUNDARY TREATMENTS PLAN
- PERSIMMON - GARDEN SIZE SCHEDULE
- PERSIMMON - BIN DETAILS
- BNS-DCE-XX-XX-DR-C-5000-P01 - PERSIMMON - DRAINAGE STRATEGY SHEET 1 OF 3
- BNS-DCE-XX-XX-DR-C-5001-P01 - PERSIMMON - DRAINAGE STRATEGY SHEET 2 OF 3
- BNS-DCE-XX-XX-DR-C-5002-P01 - PERSIMMON - DRAINAGE STRATEGY SHEET 3 OF 3
- BNS-DCE-XX-XX-RP-C-0001 - PERSIMMON - DRAINAGE MAINTENANCE MANAGEMENT PLAN

### *Stancliffe Documents*

- STANCLIFFE - HOUSE TYPE PACK
- P24-2401-DE-015-01-L - STANCLIFFE - PLANNING LAYOUT
- P24-2401-DE-016-E - STANCLIFFE - MATERIALS PLAN
- P24-2401-DE-017-D - STANCLIFFE - BOUNDARY TREATMENTS PLAN
- SH-BOLN-0001 - STANCLIFFE - STANCLIFFE - GARDEN AREAS PLAN
- SH-BOLN-0002 - STANCLIFFE - STANCLIFFE - SALES AREA PLAN
- SH-BOLN-0003 - STANCLIFFE - SURFACE WATER DRAINAGE LAYOUT
- SH-BOLN-0004 - STANCLIFFE - SURFACE WATER DRAINAGE LAYOUT
- SH-BOLN-0005 - STANCLIFFE - BIN COLLECTION POINT DETAILS

### *Strata Documents*

- STRATA - HOUSE TYPE PACK
- P24-2401-DE-005-01-J - STRATA - PLANNING LAYOUT
- P24-2401-DE-006-C - STRATA - MATERIALS PLAN
- P24-2401-DE-007-C - STRATA - BOUNDARY TREATMENTS PLAN
- 21-CL5-SEGB-WRB-02 - STRATA - PHASING PLAN
- 49441-ECE-XX-XX-DR-C-0005 REV P01 - STRATA - DRAINAGE LAYOUT - SHEET 1 OF 2
- 49441-ECE-XX-XX-DR-C-0006 REV P01 - STRATA - DRAINAGE LAYOUT - SHEET 2 OF 2
- SD10.EX.113 - STRATA - BIN COLLECTION POINTS
- GTC-E-SS-0012-R2 1 OF 1 - STRATA - CLOSE COUPLED SUBSTATION PYRAMID ROOF DETAIL GENERAL ARRANGEMENT

## **AMENDMENTS**

*Please note that any documentation relating to site viability are not listed here and are referred to in the separate report in respect of application considering the proposal to amend the S106 planning obligation associated with the original outline planning permission relating to this site (outline planning permission ref. 14/00080/OUTEA)*

03/03/2025 – amended Design and Access Statement submitted.

13/03/2025 – Further Drainage information (submitted in response to comment from Yorkshire Water): -

- 6667\_024-03S - S104 AGREEMENT PLAN - COMBINED
- WRB-DCE-XX-XX-DR-C-5001 - DRAINAGE STRATEGY SHEET 1
- WRB-DCE-XX-XX-DR-C-5002 - DRAINAGE STRATEGY SHEET 2
- WRB-DCE-XX-XX-DR-C-5003 - DRAINAGE STRATEGY SHEET 3

21/05/2025 - Technical Response To Environmental Health Officer's Comments Re Noise Report

22/05/2025 – Removal of the discharge of condition 23 from the application, along with the following document: -

- Revised drainage strategy plan ref. BNS-DCE-XX-XX-DR-C-5001 Rev. P02

08/08/2025 – Revisions submitted as follows: -

- P24-1323\_EN\_001D - TOWN PARK LANDSCAPE MASTERPLAN
- P24-1323\_EN\_002C - TOWN PARK DETAILED HARD AND SOFT LANDSCAPE PROPOSALS
- P24-1323\_EN\_003D - WIDER SITE LANDSCAPE MASTERPLAN
- P24-1323\_EN\_004D - HEDGEROW PLAN
- P24-2401\_DE\_003\_K - COMPOSITE MASTERPLAN (B&W)
- P24-2401\_DE\_003\_K - COMPOSITE MASTERPLAN (COLOUR)
- P24-2401\_DE\_005\_S - PLANNING LAYOUT (STRATA)
- P24-2401\_DE\_006\_D - MATERIALS PLAN (STRATA)
- P24-2401\_DE\_007\_D - BOUNDARY TREATMENTS PLAN (STRATA)
- P24-2401\_DE\_015\_R - PLANNING LAYOUT (STANCLIFFE)
- P24-2401\_DE\_016\_F - MATERIALS PLAN (STANCLIFFE)
- P24-2401\_DE\_017\_E - BOUNDARY TREATMENTS PLAN (STANCLIFFE)
- P24-2401\_DE\_025\_N - PLANNING LAYOUT (PERSIMMON)
- P24-2401\_DE\_026\_E - MATERIALS PLAN (PERSIMMON)
- P24-2401\_DE\_027\_D - BOUNDARY TREATMENTS PLAN (PERSIMMON)
- P24-2401\_DE\_028\_D - COMPOSITE MATERIALS PLAN
- P24-2401\_DE\_029\_C - COMPOSITE BOUNDARY TREATMENTS
- P24-2401\_DE\_032\_C - MANAGEMENT PLAN
- P24-2401\_DE\_033\_D - HIGHWAYS ADOPTION PLAN
- P24-2401\_DE\_035\_D - KEY DIMENSIONS
- P24-2401\_DE\_041 - HIGHWAYS MATERIALS PLAN
- P24-2401\_DE\_042 - BUS STOP LOCATION PLAN
- P24-2401\_DE\_G003\_B - DESIGN STATEMENT
- BOSOLVER NORTH - TOWN PARKVIEWS 1+2\_LR
- BOLSOVER NORTH - HOUSE TYPE PACK (STANCLIFFE HOMES)

16/09/2025 – Revised Travel Plan

26/09/2025 – Response to issues raised by Lead Local Flood Authority, including

- Drainage Statement dated December 2013
- Drawing no: BNS-DCE-XX-XX-DR-C-5002 – Proposed drainage strategy sheet 3 of 3
- Drawing no: E18/6667/024-03C - SECTION 104 AGREEMENT PLAN - Combined agreement
- Technical data sheet by Causeway dated 10/09/2025
- Surface Water Calculations by Causeway dated April 2025

08/10/2025 –

- Bolsover combined build route and spine road delivery plan
- Combined Build Route deliver schedule Spreadsheet
- P2612 - V - 1001 REV B - Visibility Splays and Forward Visibility In Line With 20mph Speed Limit
- P2612 - V - 1002 REV B - Visibility Splays and Forward Visibility In Line With 20mph Speed Limit
- P2162 - T - 1001 REV D - Swept Path Analysis 11.6m Refuse Vehicle

- P2612 - T – 1002 - Swept Path Analysis 11.6m Refuse Vehicle
- P2612 - T – 1003 - Swept Path Analysis 11.6m Refuse Vehicle
- P2612 - T – 1004 - Swept Path Analysis 11.6m Refuse Vehicle

16/10/2025

- P24-1323\_EN\_001H - TOWN PARK LANDSCAPE MASTERPLAN
- P24-1323\_EN\_002G - TOWN PARK DETAILED HARD AND SOFT LANDSCAPE PROPOSALS
- P24-1323\_EN\_003F - WIDER SITE LANDSCAPE MASTERPLAN
- P24-1323\_EN\_004F - HEDGEROW PLAN
- P24-1323\_EN\_005B - LONGLANDS WELLBECK RD LANDSCAPE PROPOSALS
- P24-2401\_DE\_003\_M - COMPOSITE MASTERPLAN (B&W)
- P24-2401\_DE\_003\_M - COMPOSITE MASTERPLAN (COLOUR)
- P24-2401\_DE\_005\_V - PLANNING LAYOUT (STRATA)
- P24-2401\_DE\_006\_E - MATERIALS PLAN (STRATA)
- P24-2401\_DE\_007\_E - BOUNDARY TREATMENTS PLAN (STRATA)
- P24-2401\_DE\_015\_S - PLANNING LAYOUT (STANCLIFFE)
- P24-2401\_DE\_016\_G - MATERIALS PLAN (STANCLIFFE)
- P24-2401\_DE\_017\_F - BOUNDARY TREATMENTS PLAN (STANCLIFFE)
- P24-2401\_DE\_025\_R - PLANNING LAYOUT (PERSIMMON)
- P24-2401\_DE\_026\_F - MATERIALS PLAN (PERSIMMON)
- P24-2401\_DE\_027\_E - BOUNDARY TREATMENTS PLAN (PERSIMMON)
- P24-2401\_DE\_028\_E - COMPOSITE MATERIALS PLAN
- P24-2401\_DE\_029\_D - COMPOSITE BOUNDARY TREATMENTS
- P24-2401\_DE\_032\_D - MANAGEMENT PLAN
- P24-2401\_DE\_033\_E - HIGHWAYS ADOPTION PLAN
- P24-2401\_DE\_035\_E - KEY DIMENSIONS
- P24-2401\_DE\_041\_A - HIGHWAYS MATERIALS PLAN
- P24-2401\_DE\_042\_A - BUS STOP LOCATION PLAN
- HTP-V01 - STRATA UPDATED HOUSE TYPE PACK JULY 2025

30/10/2025

- P24-2401\_DE\_003\_N - Composite Masterplan (B&W)
- P24-2401\_DE\_003\_N - Composite Masterplan (Colour)
- P24-2401\_DE\_005\_W - Planning Layout (Strata)
- P24-2401\_DE\_006\_F - Materials Plan (Strata)
- P24-2401\_DE\_007\_F - Boundary Treatments Plan (Strata)
- P24-2401\_DE\_027\_F - Boundary Treatments Plan (Persimmon)
- P24-2401\_DE\_028\_F - Composite Materials Plan
- P24-2401\_DE\_029\_E - Composite Boundary Treatments
- P24-2401\_DE\_032\_E - Management Plan
- P24-2401\_DE\_033\_F - Highways Adoption Plan
- P24-2401\_DE\_041\_B - Highways Materials Plan

03/11/2025

- P7884-R1-V3 - NOISE IMPACT ASSESSMENT REPORT V.3

03/11/2025

- P7884-R1-V4 - NOISE IMPACT ASSESSMENT REPORT V.4

04/11/2025

- BOL2-ELCD-001 Rev. A - Elmtun Lane Crossing Detail

07/11/2025

- Geo-environmental appraisal

13/11/2025

- WRB-DCE-XX-XX-RP-C-0001 - Sustainable drainage statement
- WRB-DCE-XX-XX-DR-C-6105-P05 - General Arrangement & S104 Adoptable Drainage Layout
- WRB-DCE-XX-XX-DR-C-6107-P06 - General Arrangement & S104 Adoptable Drainage Layout
- Soakaway Testing (1)
- Surface Water Calculations (3)

20/11/2025 – response to Highway Authority request for amendments to Travel Plan and: -

- Revised spine road delivery plan.
- Revised spine road delivery programme.

02/12/2025 - Correspondence received from the agent seeking minor amendments to conditions 6, 8 and 14, along with the submission of the following documents: -

- Amended noise report ref. P7884-R1-V5
- Strata Oporto House Type (ref. BM-C4-0100-A2-01-P2)
- Additional Phasing Plan (ref. P24-2401\_DE\_044\_A)

**KEY HISTORY (there are multiple applications for discharges of various conditions relating to the various planning permissions that are excluded from the following list)**

14/00080/OUTEA	Granted with conditions	Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx. 70 units) and an Infant School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision
19/00005/REM	Granted with conditions	Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6, 8, 11, 15 and 16 of the outline planning permission ref. 14/00080/OUTEA in respect of the areas

		of the site included in this application.
21/00471/REM	Granted with conditions	Approval for reserved matters for attenuation basin serving residential phase 1a and discharge of Conditions 5, 7, 14b, 18 and 20 of outline approval (14/00080/OUTEA), insofar as these conditions relate to the attenuation basin area that is subject of this application.
21/00492/ADV	Granted with conditions	Proposed advertisements comprising 2 free standing signs, 10 flags & one lightbox (to be attached to side of proposed dwelling)
21/00562/MINAM	Granted with conditions	Application for a non-material amendment following a grant of planning permission to amend condition 24 of planning permission 14/00080/OUTEA to say: No development shall be commenced within any phase (or sub phase as may be agreed with the local planning authority in writing) unless and until a S106 planning obligation has been completed (signed by all relevant parties, including all parties with an interest in the land to be developed in that phase or sub phase) to address the details included as Appendix A to this planning permission.
21/00594/ADV	Granted with conditions	Advertisements for the sale of new homes
21/00745/MINAM	Granted with conditions	Minor amendment to application 19/00005/REM - Changing the following house types: Greyfriar to be replaced by Ashdown, Clayton Corner to be replaced by Barnwood, Hatfield to be replaced by Sherwood (for certain plots), Roseberry to be replaced by Rivington, Leicester to be replaced by Whinfell, Winster to be replaced by Selwood
22/00238/MINAM	Granted with conditions	Minor amendment of application 19/00005/REM, insofar as it relates to the Strata parcel (only), for: relocation of bin collection points to plots 11-13, 60 -63, 64-81; identification of dry stone wall to the front of plots 31 - 34; identification of timber post and rail fence boundary treatments to front of Plot 34; and identification of bus stop and addition of associated dropped pedestrian crossings to Marlpit Lane.
22/00292/MINAM	Granted with conditions	Minor amendment to planning application 19/00005/REM - Substitution of house types
22/00632/ADV	Granted with conditions	Strata Light Box fixed on Plot 34 show home gable. Two 3m x 3m Signage boards. 10 Flag poles.
23/00166/MINAM	Granted with	Minor amendment to Planning Application 19/00005/REM - installation of temporary post & rail

	conditions	fence/amendment to plot 33's garage/minor amendment of footpath on southern boundary/amendment to location of bus stop/addition of rear footpath to plot 1's garage/addition of rear access door to plot 1's garage
23/00238/REM	Granted with conditions	Reserved matters application for the approval of details relating to access, appearance, landscaping, layout and scale in relation to the development of 21 dwellings (Phase 1B) on land to the east of Oxcroft Lane, Bolsover and discharge of Conditions 5, 7, 8, 10, 11, 14, 15, 18, 21 and 23 of Outline Planning Permission Ref. 14/00080/OUTEA.
23/00487/MINAM	Granted with conditions	Minor amendment of application 19/00005/REM (Addition of PV Solar Panels to plots 87-144)
25/00433/OTHER	Current undetermined application	S106A application to modify obligations contained within a legal agreement relating to planning permission code ref. 14/00080/OUTEA dated 22nd September 2021, which proposes a reduction to financial contributions, along with reductions to the Extra Care Land/Affordable Housing Land and Public Open Space/Town Park areas

## DEVELOPER PUBLICITY AND CONSULTATION

The application includes details of consultation undertaken with local stakeholders, which is detailed in the submitted Statement of Community Involvement, including engagement with local residents and elected members prior to the submission of the application.

Public consultation with local residents was launched on the 28th October 2024 and included a leaflet providing information about the plans and a freepost feedback survey. The leaflet was delivered to approximately 662 of the nearest neighbours to the site. The public consultation materials also included an email address and freephone for residents to contact with any queries or feedback

The public consultation material was also sent via email to Elected Members of the Council and Bolsover Town Council on the 25th October 2024.

It is stated that 48 responses were received to the public consultation, including via freepost forms, online replies, emails, and phone conversations. Key areas of discussion in the feedback included: -

- Impact on existing roads
- Principle of development
- Provision of community infrastructure (doctors, schools, dentists etc)
- Impact on wildlife/hedgerows/trees
- Environmental measures
- Impact of construction

The submitted Statement of Community Involvement provides the applicants feedback on each of these matters. The preceding sections of this statement also provide further information.



It is also stated that supportive comments were received about the need for new homes, and comments from people interested in moving into the development once it is complete.

## **BOLSOVER DISTRICT COUNCIL CONSULTATIONS**

### Active Travel England

13/03/2025 - not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue to improve pedestrian and cycle network.

22/08/2025 – no further comments, and would refer you to its previous response, which still stands.

### Bolsover District Council Drainage Engineer

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
3. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

### Bolsover District Council Environmental Health

08/05/2025 and 30/07/2025 - not satisfied that noise from the neighbouring commercial land use has been given sufficient consideration, so will need re-consideration.

03/11/2025 – Query apparent error in updated noise assessment.

12/11/2025 – Recommended condition to control implementation of noise assessment controls. Subsequent discussions, culminating in a final comment received 19/11/25 requiring condition to cover the need for an updated report providing more detailed plot specific proposals for noise attenuation measures (including any associated ventilation requirements).

08/01/2025 – conclusions of the amended noise report are accepted, subject to further detail being submitted via a condition, to demonstrate exactly what measures are proposed to each affected plot based on that reports findings and conclusions, given this plot specific level of detail is not provided within it.

### Bolsover District Council Leisure Services

31/03/2025 – Qualified support for the development but seeking amendments to make the scheme proportional to the scale of the development and concept of a destination park, including improved play provision, final design of the SuDS pond area and landscape detailing. Content with size of the park. Further comments regarding Elmtan Lane crossing details. Queries suggestion that the Town Park

05/09/2025 – As above but also query if still proposed for adoption by the Council.

29/10/2025 – Note improvements in line with some but not all the earlier suggestions and further amendments required within the town park area, re-instatement of an earlier footpath/cycle link onto Steel Lane, and better definition of the cycle path running alongside the spine road and Longlands/Welbeck Road.

09/12/2025 - Due to staff absence, it has not been possible (at the deadline point for the December Planning Committee) to scrutinise the revised noise report to ensure that this is appropriate, however the findings are reasonable and the mitigation strategy such that it should reasonably contain noise. A condition is reasonable.

Bolsover District Council Refuse Team

No response received

Bolsover District Council Urban Designer

02 and 03/04/2025 – Initial summary and detailed comments provided. Scheme is generally good, but some amendments recommended.

The masterplan meets outline planning permission aspirations. Significant work has resulted in a resolved layout. The design quality has improved and with some moderate changes, the plan is supported as I can see significant townscape improvements from the originally submitted drawings. The applicant has demonstrated that the design aligns with 'Building for a Healthy Life' standards, as reviewed in the DAS. Consequently, an external design review is unnecessary, and the council can support the design with recommended changes.

To achieve a comprehensive approach more information is required regarding the impact on the parameters of the design of the Extra Care Facility and the School. The Town Park is much improved; however, we will need to discuss improving some key elements such as the town end entrance to the park, the playground, the SuDS pond and the planting design in terms of ecological sustainability.

04/09/2025 – Positive design response to earlier comments, but some minor details require further adjustments.

24/10/2025 – Acknowledge further design improvements, but still a need for additional minor alterations and/or conditions to secure further improvements.

12/11/2025 – Note that most issues now resolved, but would wish to see: -

- greater detail in respect of the proposed acoustic barrier to ensure that this can be assimilated with proposed landscaping to achieve appropriate streetscapes
- re-instatement of proposed footpath/cycle link to Steel Lane.

Otherwise consider that consent is approved, subject to conditions.

Chesterfield and North East Derbyshire & Bolsover Ramblers Association.

04/03/2025 - We note the potential for this proposal to significantly affect Bolsover FP 30, 31 and 3, plus Bolsover BW 60. Having examined the drawings provided we are concerned that the context of Bolsover FP 30 and 33 will be changed from its existing field and countryside character to one of an urban nature. In terms of enjoyment of the experience of walking this factor is considered to be contrary to the objectives of the said activity, particularly with

reference to the openness of surrounding and the presence of trees, hedgerows and wildlife. However, we appreciate that balancing the need for housing against the need for the wellbeing of people is a difficult problem and as a consequence diversions of some existing footpath may be necessary. The proposal as presented does appear to ensure that the existing lines of the footpaths through the development are preserved although on revised routes. Providing the diverted routes maintain the basic character of countryside footpaths we would have no formal objections to raise. We would request that every consideration is given to maintain footpath corridors through the development rather than simply diverting paths along roadside causeways. We would reserve the right to comment further when more definitive detailed plans are provided in relation to the alternative footpaths.

18/08/2025 - We commented on the Rights of Way (RoW) aspects of this project in February 25. Having perused the current documents, we can see no reason to make further comment in relation to the RoW associated with the development. We would request that all proposed footpath diversions that are implemented be formalised with appropriate changes to the mapping portal and associated definitive statements.

Derbyshire County Council Archaeologist

16/12/2025 – Amendments needed to the submitted written scheme of investigation (WSI) to make it suitable for discharge under condition 14a of the outline planning permission.

Derbyshire County Council as Local Education Authority (LEA)

No comments received

Derbyshire County Council as Local Highway Authority (LHA)

11/03/2025 – Initial holding comment – full response anticipated before 28<sup>th</sup> March 2025.

25/03/2025 – Two comments received: -

- Comments received to the submitted Travel Plan (duplicating those raised by the same Authority in respect of Strategic Planning), suggesting amendments and clarification in respect of that document.
- Comments received in respect of public rights of way, stating ‘...the ROWs have been given proposed diversions that allow for a route through the development, on revised lines (Bolsover FPs 30,31,33). The pedestrian crossing point and surface change at the intersection of the Bridleway on Elmtan Lane and the link road is a welcome feature for path user safety, together with the other crossing points on the proposed diversion of FP 33. These routes require as green a corridor as possible to preserve their character and give the most enjoyment for path users, however the consideration in the plans to pedestrian movement has given good site connectivity and does allow for the routes to continue through the development. Further information regarding the detailed plans for these paths will be desirable to ensure they are retained as green corridors.’

02/09/2025 –

- Need for swept paths and forward visibility splays to be demonstrated.
- Localised widening on some pedestrian priority streets may needed.
- Additional details/justification needed on some proposed localised carriageway narrowing.

- More street trees needed in parts of the site.
- Proposed street trees should be included in any adoption proposals.
- Justification for proposed bus stop locations needed, if these haven't previously been agreed with the Public Transport Unit.
- Advise regarding the use of block paving, which should be avoided on corners.
- Junction layouts for Welbeck Road and Oxcroft Lane are acceptable.
- More information needed relating

10/09/2025

Further comments in respect of requirements of conditions 8 (Travel Plan) and 11 (Highway Surface Water):

- Condition 8 – revised Travel Plan is required.
- Condition 11 – the details of the means of the disposal of highway surface water will be considered in detail at the S38 road adoption stage, which would also coincide with the 'programme for implementation' as specified in the condition. However, the details submitted as part of application 25/00069/REM are considered generally suitable to satisfy the requirements of the condition. The discharge of condition 11 does not grant technical approval for the highway drainage element of any application under S38 of the Highways Act 1980 for the adoption of the estate roads.

06/11/2025

Recommends that the application is deferred pending additional information. For the most part the development is acceptable but consider that the phasing plan needs to be amending to show the earlier delivery of the link road through the site onto Longlands.

11/11/2025

Having reviewed the phasing plan, it is concluded that the plan presented, including the delivery of the spine road, is acceptable. Further to be issued along with recommended conditions.

20/11/2025 (3 comments comprising an initial comment letter, followed by a correction message: -

After extensive discussion and following revisions to the layout, the LHA now has no objections to the application, including subsequent agreement to the further amended phasing programme and acceptance of the latest revised Travel Plan

Derbyshire County Council as Lead Local Flood Authority (LLFA)

06/05/25, 11/06/202, 28/10/2025, 06/11/2025, 10/11/2025 – multiple responses advising of the need for additional information.

25/11/2025

Based on the application documents as supplemented and revised, Derbyshire County Council as the Lead Local Flood Authority has no objections to the proposals and has recommended the inclusion of an advisory note.

Derbyshire County Council Planning Strategy

17/03/2025 - Comments Provided in respect of the submitted Travel Plan, which repeat those also provided by the same Authority as Local Highway Authority.

Query made in respect of timescales for improvements to Elmtan Lane (*N.B. Notwithstanding this question, the improvements are under the control of Derbyshire County Council as the Highway Authority under the terms of the existing S106 planning obligation, where the developers make a contribution to the Highway Authority, who then decide on how that money is utilised for improvement to Elmtan Lane, subject to standard clawback arrangements should the monies not be spent by them in a reasonable timescale.*)

Suggestion that the density of the site could be increased by reducing the amount of car parking as a means of reducing journeys in single occupancy vehicles that would also aid air quality, sustainability and net zero targets.

Request that dwellings are built to disabled/accessible standards M4 (3) and M4 (2).

Would request that to meet Policy LC3 (meeting high quality and design and creating mixed and balanced communities) that consideration is given to ensuring that:

- Dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels
- Dwellings have good internal space standards, ceiling heights, natural light levels
- Stairways, walls and ceilings are capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date
- Consideration is given to having a proportion of dwellings built as apartments on one level, improving density.

Would submit that the above supports the NPPF's requirement for developments to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity and flexibility for existing and future users.'

01/09/2025 - We have no new or further comments to our previous comments on this application.

#### Derbyshire Wildlife Trust

20/03/2025 – Seeking some alterations to type of planting and advice to future residents in the interests of enhancing and maintaining the biodiversity mitigation.

14/11/2025 – Amendments still recommended to improve the biodiversity mitigation of the proposed soft landscaping.

#### Force Designing Out Crime Officer

14/03/2025 – Need for further amendments to improve crime prevention and community safety.

13/08/2025 – (Comment following submission of revisions) Revisions only address one of the issues previously raised; all the initial comments still stand, and the majority would seem to be achievable.

27/10/2025 - (Comment following submission of further revisions) Whilst noting agent comments supporting the revisions, this contains no reason or balance in respect of previous

requests, including boundary treatments, additional windows and lighting; current scheme is lacking in terms of design for public safety.

11/11/2025 – Welcomes some of the revisions, but considers further changes are still needed in the interest of crime prevention.

NHS (Chesterfield Royal Hospital)

13/03/2025 - Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £722k

12/08/2025 – (Comment following submission of revisions) – re-submitted document to re-iterate the above request.

Old Bolsover Town Council

No comments received to this application, but note that comments have been received in respect of the associated application seeking variation of the associated S106 planning obligation 25/00433/OTHER

Peak and Norther Footpaths Society

24/02/2025 - initial comment (more to follow) that there is an error in the key showing public rights of way in The Design & Access Statement that they request be corrected.

*N.B. This has been corrected on subsequent amendments and no further comment was received from the Society in response to a e-consultation with them that followed.*

Severn Trent Water

No comments received

Yorkshire Water

05/03/2025 –No objection to the approval of the reserved matters. Includes a note to advise that the foul water discharge proposals are not acceptable/require clarification.

16/04/2025 - Do not consider that sufficient information has been submitted to enable the discharge of conditions 21, 22 and 23.

07/05/2025 – Clarification of earlier comment re discharge of conditions 21, 22 and 23

04/06/2024 – In response to application amendments have no objections to approval of reserved matters.

**BOLSOVER DISTRICT COUNCIL PUBLICITY**

Initial publicity comprised site notices, a press advert and 198 neighbour letters. This resulted in the receipt of 14 letters of representation.

A subsequent round of re-publicity, including a further press advert, site notices and neighbour letters, was undertaken in August 2025, following the submission of revisions to the scheme. This has resulted in the submission of an additional 5 letters of representation.

3 additional letters have also been received from the same writer, raising issue with the

content of an amended noise assessment and the same writer has also submitted one further letter, re-iterating an issue that had also been raised earlier.

Additionally, several representations submitted with the associated application ref. 25/00433/OTHER, which is seeking a variation to the associated S106, have also raised detailed planning matters more aligned with this application, that are also included below.

The letters received have raised the following issues: -

#### Principle

- The homes Longlands should remain in place. They are in the heart of the town and should be heritage preserved. They are good looking properties and structurally sound. It is both a shame and a waste.
- There is nothing I can see regarding the old streetlight. It needs preserving somewhere and not mysteriously disappear like the last one did. It should be incorporated within the estate design.
- We should be making our new builds future proof. Solar panels and electric charging points would be a good start.
- Concern that there is too much development in Bolsover already. The town will be in danger of becoming little more than an enormous, sprawling housing estate that could soon join up with Clowne.
- Too many dwellings which will be crammed in.
- The increase in population and consequent pressures on local amenities, the changing landscape and reduced green spaces, and the overall character and 'feel' of the town.
- Elmtun Lane is a public footpath and bridleway that is now unrecognisable due to the effects that the current construction process has had on the hedgerows and associated wildlife.
- In view of the current geopolitics in Europe can planners and councillors make consideration as to the whether disposal of allotment land is sensible, a conflict in Europe could jeopardise food supply. Current farming practice is growing raw materials for the food industry rather than food stuffs that can be harvested and eaten the same day.
- Traffic should be restricted to "access only" along Oxcroft Lane between the Bolsover end at Brockley Wood and Blackbanks. Oxcroft Lane is a popular walking, running, cycling, horse riding route, increasing traffic is making these activities difficult. The restriction to traffic will be far outweighed by the health and wellbeing effects of the activities indicated.
- Road layout and pavements must be built for pedestrians and cyclists rather than built around motorists to the detriment of the former.
- Should not build on good quality farmland.

#### Highway Safety

- Roads are already congested and cannot cope with the extra volume of traffic. Will add to the ongoing problem of potholes, volume of traffic and road safety concerns.
- The current developments on Welbeck Road do nothing to address the single file nature of Marlpit Lane even though residents expressed concerns about this.
- The original main road was supposed to come out on the main Rotherham Road too, I've no idea when that changed but Marlpit Lane can't cope.

- Can the main road be double yellow lines to prevent blocking the road?
- Roads are already in a poor state of repair and will deteriorate further.
- There is no evidence of improvements to the road network and amenities in the area to support a significant increase in houses and therefore people.
- Steel Lane should not be used to provide construction access for the development.
- No new access to Oxcroft Lane from the proposed housing development should be allowed until the new access from Welbeck Road is completed.
- Oxcroft Lane is not can't take any more traffic issues with this road narrowing to single file, which is not in the interests of walkers, cyclists and horse riders.
- The new road is shown cutting across the existing bridle path, with no explanation how this intersection will work.
- There has already been an increase in vehicles using Elmtun Lane and the bridle path to access the new housing development, a matter which has been raised with Derbyshire County Council. Evidence has been sent to the council showing lorries, taxis, delivery vehicles and residential vehicles using Elmtun Lane and the bridle path on a daily basis to try and access the new estate - What plans are in place to stop this from happening? The highway code is clear about the use of bridle paths, yet the plans are not clear on whether they comply with the highway code. Will be further complicated by the building of the new school.
- There have been issues already with vehicles blocking private driveways.
- Cannot see how the demolition of housing on Longlands is going to work in practice. It will not ease the road problems - it will make them worse! How can having a new 2-way street with 2 tiny 1-way streets feeding into it ease the situation? And the existing road will still need to go round to the right for Welbeck Road? It just seems absolute madness! There are already 2 accesses to the new houses and I can't see the reasoning behind creating the one on Longlands.
- The Current Infant School location will be unsafe with the new major road network that is planned.

#### Infrastructure.

- The town has a complete lack of services. Doctors, dentists, schools are already struggling, without adding more into the mix. We have one supermarket which is small and overpriced. There is no sixth form provision.
- The secondary school is already over-subscribed and the introduction of 16-18 year old provision is awaited; where will the extra children go?
- Bolsover town is unable to keep shops open and does not offer sufficient facilities to support an increase in inhabitants. Shops are constantly closing. The town requires financial support to prosper and for the local community to use the town, otherwise the community will need to continue to travel out of town, once again increasing congestion and also impacting the sustainability of the area.
- Like that a new town park is included.
- Support the proposal subject to the actual provision of the school and care facilities within the application.

#### Design/Amenity impacts

- Drawings do not include dwellings on Welbeck Glade (to the south of the site), so impacts on those dwellings cannot be properly considered.
- Welbeck Glade dwellings will lose privacy and sense of seclusion enjoyed by those



properties.

- Smelly Wheelie Bin Storage on individual properties should not be placed immediately to the rear of existing dwellings.
- Existing vegetation to rear of Welbeck Glade should be preserved. The natural treeline will harm the privacy of adjoining neighbours and should be kept to maintain privacy.
- Lack of consideration given to existing residents on Longlands and Welbeck Road while these demolitions are due to take place and while a new major road is built. The dust and noise will be unbearable, not to mention vibrations and potential groundwork disruption to my property structure and potential disruption to broadband services.
- We were told that gates could be installed and that there would be compensation for the noise, dust, disturbance and possible impact on the value of our homes, but I have heard nothing more since.
- Concerned that the development, especially the school, will result in cars parking on Elmton Lane and causing issues for residents in gaining access to their property.
- There are two story houses behind Longlands; I was originally guaranteed bungalows so they wouldn't be intrusive. Our homes aren't currently overlooked by anyone, and I was specifically told they would respect the privacy by building bungalows on the boundary.
- Loss of trees to rear of Welbeck Gardens will harm privacy of existing residents.
- No consideration that dwellings at Welbeck Gardens are three storeys with three levels of windows which look out onto existing vegetation and wildlife and are not overlooked. Ideally an extension of the garden increasing the distance between dwellings should
- The last build was very disruptive with utilities being cut off, noise at early hours, noise at weekends, dirt on the road and large trucks blocking routes. No consideration made for those living in the area, through respectful timing of build work and respectful management of the contractors. Continued violation of working restrictions on earlier phases could be seen as deliberate. What is the point of having a Construction Management Plan if it is not followed or monitored?
- Further requirements to drive cars emitting CO<sub>2</sub>.
- Increased noise from occupants of new dwellings.
- Developers have previously damaged neighbouring properties as part of the earlier developments.
- A gap created between boundary fencing on the housing site with existing neighbours is being used as a dump.
- Concerned about impacts on retained dwelling attached to that being demolished.
- Proposed access off Oxcroft Lane will affect the ability for existing dwellings to park close to their properties on that highway.
- Cars opposite the new junction to Oxcroft Lane will be impacted by headlights shining into windows.
- Is there any reason why the access can't be relocated to form a crossroads with the existing junctions; this could also help to reduce the amount of hedgerow to be removed.
- Access to private garages for dwellings off Longlands would be temporarily restricted during building works which is difficult and will add to additional vehicles parking of Welbeck Road.
- Technical issues raised in respect of the submitted noise assessment and seeking assurances that the assessment has been thoroughly checked.
- The 2<sup>nd</sup> phase of the Persimmon development will only have one road, which is Crown

Cresent, to feed all the houses on the 2<sup>nd</sup> phase as well as a lot of properties that have already been built in the 1<sup>st</sup> phase. The amount of traffic which will be coming and going down this one access road at peak times will be horrendous.

### Biodiversity

- Residents raised concerns about the impact on nature and biodiversity previously and were ignored, this latest development does nothing to address those same concerns.
- Concern if hedgerows are to be removed. Even if the builders keep the hedges, a preservation order needs establishing so residents cannot remove them.
- Natural treeline to the rear of Welbeck Glade is being removed resulting in loss of habitat, harm to privacy to adjoining neighbours and loss of natural link to the open countryside. Surely these should be kept, even if this means placing them in back gardens.
- Contractors have already begun removing trees.
- Wildlife reports should be updated.
- There should be a wildlife corridor to link Brockley Wood and Elmton Lane.
- Trees in The Orchard are diseased, so these should be removed and replaced or if proven to be old heritage varieties, be propagated by grafting healthy growth onto new rootstock.
- A mature Damson Tree in the hedge line adjacent to s128/s143; this tree must be preserved due to time to mature and importance to wildlife.
- Dense hedgerow would be lost to form the new junction.
- Fencing alongside hedgerows will starve them of natural light - is there a solution to this; will any gap be large enough to prevent this?
- When the developer visited us last year, we were told that the tree line of the allotments to the rear would be retained, but it now appears that this will not be the case. Removing any trees and hedgerows will not only spoil the beauty of the area, but is going to be detrimental to the birds and wildlife who have already lost much of their habitat with the building that has taken place already.
- Wildlife has already been displaced. Further impacts will occur due to this development.
- Has any consideration gone into the wildlife that will be uprooted as there are Common Buzzards and loads of other birds that nest around the area which is being developed.

### Drainage

- A dwelling on Marlpit Lane has a cesspit soakaway that discharges on to the application site; writer has written directly to the developer but has concerns about how this would be accessed once the site is developed. Objects to any development that precludes the ability for the cesspit to function and use that land to drain/treat the effluent discharge; consider that this will

### Other

- Lack of consideration for residents to date; left without water and electricity, driveways blocked and mud over the roads and dust on houses, with no apologies.
- Developers have used Elmton Lane to access development, despite assurances that they wouldn't.
- Loss of property value.
- No provisions made for onsite security with children playing on the site – developers

did not take any responsibility advising residents to call the police.

- Persimmon Noise Impact Assessment Report (P7884-R1-V1) makes reference to a totally different site. It would appear to have been "copied and pasted".  
*(NB this has been corrected in later editions of that report)*
- Loss of allotment plot; although a replacement plot has been provided, it will take years to re-establish, and the notice period won't allow plants to be re-located at optimal times; request if compensation can be provided by the developers for the loss.
- Steel Lane is an unadopted road maintained by residents; following recent improvement works to it, a JCB used it to access the development site even though planning permission not yet fully granted. Only supposed to be used for residents and tractors accessing land, which is rare now. Concerned cars will use a shortcut following development. Many dog walkers use it daily, so would it be possible for a barrier of some sort to be put in place so only walkers can access the lane.
- Will provision be made to allow access to maintain fencing.

## **POLICY**

### Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- Policy SS1: Sustainable Development.
- Policy SS2: Scale of Development.
- Policy SS3: Spatial Strategy and Distribution of Development.
- Policy SS4: Strategic Site Allocation - Bolsover North.
- Policy LC1: Housing Allocations.
- Policy LC3: Type and Mix of Housing.
- Policy SC2: Sustainable Design and Construction.
- Policy SC3: High Quality Development.
- Policy SC7: Flood Risk.
- Policy SC9: Biodiversity and Geodiversity.
- Policy SC10: Trees, Woodland and Hedgerows.
- Policy SC11: Environmental Quality (Amenity).
- Policy SC12: Air Quality.
- Policy SC13: Water Quality.
- Policy SC14: Contaminated and Unstable Land.
- Policy SC17: Development Affecting Listed Buildings and their Settings.
- Policy SC18: Scheduled Monuments and Archaeology.
- Policy ITCR2: The Multi-user trail network.
- Policy ITCR11: Parking provision.

### National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.

- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraphs 207 - 221: Conserving and enhancing the historic environment.

### Supplementary Planning Documents

*Successful Healthy Places: A Guide to Sustainable and Healthy Housing Layout and Design, Adopted December 2025:*

To provide a guide to those promoting developments on how they can create sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

### *Local Parking Standards:*

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking.

## **ASSESSMENT**

### ***Key issues***

It is considered that the key issues in the determination of this application are:

- The principle of the development.
- Layout and Design,
- Amenity.
- Access and Highway Safety.
- Heritage impacts.
- Landscape and ecology.
- Flood risk and drainage.

*These issues are addressed in turn in the following sections of this report.*

### Principle of development

As stated in the background and summary section, this report has been prepared on a without prejudice basis in respect of the outcome of the associated application ref. 25/00433/OTHER, but on the assumption that the recommendation to agree to the variation of the S106 agreement is accepted, which would establish the principle of a reduction of the town park and extra care/affordable housing land as shown on the plans for this reserved matters application.

The principle of the development of this site was established by the previous grant of outline planning permission that included details of the main access into the site and the terms of the S106 Planning Obligation that is subject to the review request already referred to. The site also forms part of a Strategic Allocation as defined policy SS4 of the adopted Local Plan for Bolsover, although the approval of the outline planning permission pre-dates the adoption of that policy.

The grant of outline planning permission established the following parameters: -

- Provide in the region of 950 dwellings
- Delivery of an improved highways link through the re-routing of Welbeck Road through the site to connect with Marlpit Lane, crossing Elmton Lane.
- Provision of an extra care facility of approx. 70 units on an area of land which measures approximately 1ha.
- Provision of 1ha of land for the provision of a School
- Provision of approximately 4.2ha of open space as a Town Park.
- Provision of approximately 2.3ha of additional areas of Public Open Space.
- Use of a single access road to deliver the balance of the Persimmon part of the development to the east side of Elmton Lane.
- General areas of land to develop, that includes the principle of known hedgerow and landscape loss necessary to deliver housing.

The above parameters were established at the time of the consideration and determination of the outline planning application, which was accepted as a valid planning application on 19.02.2014, and was approved on 25.10.2017.

The variation to the S106 is considered in more detail in terms of wider viability as part of the separate application ref. 25/00433/OTHER, but there are also some general land use planning issues raised by this that are discussed below.

As already stated, the reduction in these areas is sought to address a reduction in the areas of developable land resulting from design proposals that are impacted by more up to date detailed site assessments, as well as changes in policy and guidance in terms of detailed design matters, since the grant of the outline planning permission.

A key issue has been the need to materially increase the areas of land required to ensure the delivery of appropriately designed Sustainable Drainage Systems (SuDS); this has resulted from more detailed testing of ground conditions, which are not as permeable as envisaged at the time that was based on initial ground testing that had been undertaken.

Additional demands on available space to develop has also arisen from an increased emphasis in national guidance in respect of the provision of street trees that results in greater land take for the provision of such roads, as well as the provision of a dedicated and segregated cycle path along large parts of the spine road, that were not included as part of the initial masterplan documents, that were based on normal requirements at that time. These are all seen as necessary improvements to the design quality of the scheme.

The overall number of deliverable dwellings has therefore been reduced by around 85% from

the initially envisaged 950 dwellings. This application, along with the parallel application seeking amendments to the S106 planning obligation, therefore seeks to make reductions in the areas for the Town Park, ancillary open space and extra care requirements to seek to strike a balance between the competing objectives of the infrastructure objectives of the development, whilst seeking to ensure a deliverable development, having regard to site viability in that the scheme is not considered to be viable with all the original requirements in place. It is stated that the reduction in the areas suggested is reflective of the equivalent reduction in the quantum of deliverable housing, and fairly and reasonably relate to this.

On the basis that the separate request for a reduction in S106 obligation requirements is approved, including the principle of a reduction in the spaces described above, the considerations relating to this application are then restricted to the suitability of the reserved matters insofar as they relate to means of access (other than the main site access that was approved with the outline planning permission), layout, scale, appearance, landscaping, ecology and highway safety.

Several representations raise issues of principle that are already established and as such cannot be re-considered in the determination of this planning application. The issues of principle raised that cannot be considered therefore include:

- The principle of the development of a greenfield site, including the demolition of properties on Longlands.
- Impact of the development on the highway network and improvements to that network as a result, including location of the principal access points into the site.
- Infrastructure impact, including schools, affordable housing, police, doctors' surgeries and leisure facilities, including allotments (but note that this is to be considered under the separate review of the associated S106 already mentioned);
- Any additional impacts from subsequently approved and possible future housing schemes (such schemes should consider this development as a committed scheme in any assessments undertaken for them).

In conclusion, it is not considered that there are any issues of principle, beyond the separate re-consideration of the S106 planning obligation, that relate to this proposal, subject to appropriate detailed designs in respect of the remainder of the reserved matters details and conditions submissions, which are discussed later in this report.

#### Layout and Design.

Conditions 4 and 5 of the outline planning permission require: -

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev. F dated 21/01/2016.

5. No later than concurrently with the submission of the first reserved matters within any phase a supplementary Design and Access Statement for that phase shall be submitted to the local planning authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014 as supplemented and amended by the Design and

Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

In respect of condition 4, it is considered that the submitted reserved matters meet outline planning permission aspirations and accords with the broad indications of the layout and distribution of dwellings of the originally approved Design and Access Statement, as required by the condition. Condition 5 has also been met in that a suitably robust Design and Access Statement was submitted with the planning application.

Significant work at both pre and post application stages has resulted in a resolved layout. The design quality has improved with later moderate changes to a point where the plan is supported by the Urban Design Officer, who recommends approval subject to conditions in respect of design issues.

The scheme presents a well-coordinated design bringing out strong character areas and a strong sense of place. The layout has been strengthened throughout with improved access and walkability by the introduction of pedestrian priority junctions. Footpath links and cycleways along the tree-lined link road and a main avenue with dedicated verges provide a strong framework for the development. Suitably placed trees and hedge planting in secondary roads, private drives and courtyards, enhance the overall attractiveness of the layout and distinguishes between different areas. This provides an attractive walkable environment throughout the scheme. The park acts as a pivot point of public open space and is key to the identity of the whole of the Bolsover North development within the town. The placing of stone-faced houses overlooking the park will provide a strong character area to this part of the town and encourage visitors from other areas.

House types and mixes of styles have been thoughtfully placed to provide streets of varying character throughout the layout. The quality of the design will bring about a successful attractive new sector to Bolsover. The individual developers housing styles still prevail, with the overall mix and arrangement improved since previous iterations, having taken on board previous comments. This has resulted in a stronger overall masterplan.

In all circumstances, the improvements in layout, landscaping and the general distribution of house-type materials, provide the final uplift in design quality required. The street hierarchy and variations across different areas provide sufficient density variation to be acceptable. The use of stone around the park and at key junctions and the variations in brick types across different areas works well and to some extent adequately gives a locally distinctive design that creates a place with its own identity.

The materials would comprise: -

- Walls: a selection of red brick types, including plain and multi finishes, with render on selected plots. Re-constituted stone is proposed in key locations to improve overall design quality and aid the creation of character areas and navigability within the site.
- Roofs: a combination of red and grey tiles, including small format grey tiles and pantiles in key locations, again to aid the creation of character areas and navigability within the site.

The general distribution and use of materials will reflect the approach already taken in phase 1 and a condition is recommended to agree the final details of all materials.

Interfaces in some areas are strong, such as the relationship of houses to the park, the link road from the town and the main Avenue. The relationship of the extra care facility to the park has improved. The interface between the school and the park and houses has been accommodated in the layout and awaits details from the education authority. The relationship of these key buildings to the park and each other are defining strengths of overall masterplan.

The Town Park itself has been mainly resolved in design terms, including assimilating additional SuDS drainage within the park, as a way of accommodating the additional need for these, whilst providing a valuable amenity to enhance the overall character of the park itself. Given the outcomes of the viability assessment, there will be a need to reduce the extent that the Town Park can initially be delivered by the developers, but this will be based on the partial delivery of the designs included with this application. A condition to agree the final form of this will be required but would need to include as a minimum a play area, landscape form, including the provision of the pond area, soft landscaping and key connections, including a lit cycle path connection through the park. Such a reduction is considered to be a necessary compromise to the initial proposal, due to the need to find a balanced response to the competing needs for the available S106 contributions and will represent the delivery of a reduced, but usable Town Park that can be developed further in the future; this could be through securing additional contributions from other development in Bolsover, or other bids for funding.

It is noted that not all issues raised by the Force Designing Out Crime Officer have been fully resolved, with concerns regarding the following (the planning officer response to each issue is included in italics immediately below each point): -

- More robust fencing to define public and private areas alongside plots S16/S17
  - *Whilst the desirability of a more robust fence is noted, in design terms, the post and rail fence proposed here is considered appropriate; given overall viability issues with the scheme, it is not considered that there is a case to justify a requirement for metal railings here.*
- Lack of security and privacy where there are areas where 1.2m fencing is proposed (plots S67/S93-98, S166/S207-220 and S221-230, SH30-35 and SH40-43/SH51).
  - *These fences are proposed to be sited alongside retained mature hedges, which provide additional boundary treatments to these plots sufficient to provide an appropriate level of privacy and security to those plots. The fencing is designed to enable daylight to the hedge in the interests of its long terms retention and health, as well as access for wildlife, which is designed to maintain their biodiversity function. No amendments are therefore considered necessary.*
- Re-location of garden gates to plots S208, S209 and S214 need moving to a more prominent position just behind the gate for the adjacent plot.
  - *This is a minor alteration to relocate the proposed gates to improve security and is proposed to be covered by a condition that is recommended.*
- Weak corner house designs do not provide natural surveillance of adjoining public areas (Plots SH82, PE230, 234, 243 and 247),
  - *It is agreed that this would aid natural surveillance within the layout but has not been agreed to by the applicants. They do not consider the design of this house type will cause an issue for the security / safety of residents and that a ground floor window would be a compromise / be a retrospective step for the design*



*quality of the home. In this respect it is acknowledged that the inclusion of additional windows in dwellings does reduce flexibility for internal arrangements within dwelling for future occupants and on balance, it is not considered that the issue raised by the absence of this change is sufficient to require the amendment sought.*

- Need to enclose private driveways (low knee rail fence suggested) on plots PE247-253, PE254-258, PW344-348 and PW 307-311.
  - *This point is agreed; the absence of a fence in this location does not provide any definition of a split between public and private areas and will lead to trespass on the private driveway and a loss of amenity to residents of the affected plots, and is recommended for inclusion as a condition.*

Active England, whilst noting the more direct desire line chosen, has made comments about the principle of a shared pedestrian and cycle route and the fact that part of the cycle route runs through the Town Park, with a preference being for this to be designed as a segregated path running alongside the link road to ensure that it is overlooked and lit to provide a safer alternative.

It is worth noting that Active England's involvement in this development proposals came late in the application process, after the pre-application stages, and several principles of the development were established at outline planning application stage, prior to the establishment of that organisation. Whilst noting the comments raised by them in respect of the Town Park, it is considered that the proposal would deliver an appropriate response to the provision of a dedicated cycle route through the application site. It is proposed that the path would be lit in any event, and this is subject to a recommended condition of the planning permission. Additionally, the provision of the dedicated pathway though the site will not preclude the use of the link road as an alternative route for cyclists and it is not considered that any additional amendments to the proposal in respect of the proposed cycle route and treatment are required.

The Leisure Officer, whilst welcoming of the overall provision and general arrangements for the Town Park has some reservations over the design, including (the planning officer response to each issue is included in italics immediately below each point): -

- Location of a tree in the middle of the main avenue and intersection of paths in the south-western corner of the park.
  - *This is an error in the document, as the tree that was originally proposed in this location has been removed, which is acknowledged elsewhere in that officer's comments.*
- Fact that the masterplan states that Composite Masterplan includes a note that 'Landscape is subject to further detail design', although there is no qualification as to what or where this refers to.
  - *A condition to control the final details of the park is recommended and has been agreed to by the applicants, such that control over the final details of the park is retained.*
- Use of timber edging to paths, but these should either have PCC edging or chamfered edges.
  - *As above in respect of proposed detail condition.*
- Loss of cycle/pedestrian link to Steel Lane.

- *This issue is a balance between the competing objectives of the Force Designing Out Crime Officer (DOCO), the Leisure Officer and Urban Design Officer and whilst put to the applicants, has been rejected by them, where they emphasise the comments of the DOCO in justifying its removal. In this respect there would be a potential advantage to providing an alternative route for cyclists, but that said, dedicated provision is being proposed through the development, alongside the main spine road, and in part running through the town park, such that appropriate provision for cyclists is proposed. Should a link be provided here, it would need to be appropriately surfaced and lit, but not all of the land needed to do this is in the ownership and control of the applicant, and the legal status of Steel Lane for general access is unclear. Therefore, whilst noting the desirability of providing such a link, it is not considered that there are strong planning grounds to insist on its provision.*
- The interface between the cycle path running alongside the spine road and Longlands / Welbeck Road needs to be better defined – there need to be dropped kerbs and clear markings where the cycle path joins or crosses the highway. It also needs to be possible to access the cycle path when heading north along Welbeck Road as it runs on the eastern side of the road, i.e. the opposite side when heading north. The Bolsover North – Longlands / Welbeck Rd Landscape Proposals P24-1323\_EN\_005B only shows tactile paving in the form of blister surface for pedestrian crossing points at the various intersections.
  - *The sections of road to which this comment relate will all be located within the sections of highway that are to be adopted and therefore, there will be a requirements for the development to meet the objectives of the Highway Authority in respect of overall design and highway safety, such that there are not considered grounds to require any amendments as part of the determination of this reserved matters application.*

Condition 10 of the outline planning permission required details of bin storage areas to be provided, and these have been submitted and are appropriate. The Council's refuse team was consulted but have not made any comments.

In design terms the proposed location of a bus stop in the proposed green gateway feature to the east of the site will harm the overall character that was sought in the design of this area and so the bus stop detail is inappropriate and a condition to require amended bus stop details is proposed.

A further detail that will need to be the subject of further submission for agreement will be the final treatment of the gable wall to no. 44 Welbeck Road, following the required demolition of no. 42 Welbeck Road needed to enable the necessary widening of the highway at Longlands to the south of the site; a condition is proposed to facilitate this.

Based on the above discussion, whilst there are a few minor details that require resolution through the inclusion of proposed conditions, the overall scheme is a well-considered response to the original masterplan concept that has been appropriately amended to respond to changed requirements, based on a better understanding of site conditions and increased design requirements since the original grant of outline planning permission, resulting in an overall scheme that will provide a positive and well planned expansion to Bolsover, and striking an appropriate balance between the differing requirements of some consultees and

viability and deliverability issues, it is considered that in design terms the proposal can be positively recommended.

### Amenity

#### Condition 19 of the outline planning permission required the following: -

Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place in surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

This condition was included to ensure that a reasonable level of amenity could be secured for future residents of the housing development located close to Farnsworth Farm to the east, which is a noise source, due to its use as a builder's merchant with areas of outside storage and associated vehicular movements associated with that use. An initial noise assessment was submitted with the original planning application and there has been subsequent discussions between the noise consultants resulting in a revised submission. The Environmental Health Officer has confirmed that he accepts the conclusions of that report and recommends a condition to control the final details of the exact attenuation measures for the affected plot, given the report does not provide this level of detail, although it is known that an acceptable solution using features such as acoustic fencing and mechanical ventilation (to avoid overheating where windows need to remain closed) is available to ensure a suitable level of amenity can be secured for future residents of the housing alongside Farnsworth Farm.

In terms of neighbouring amenity across the wider development, the layout generally accords with the Council's adopted guidelines for dwelling separation and space about dwellings. One exception is a shortfall to the southeastern corner where only 20.5m is available between a proposed dwelling on the site to one of the existing dwellings on Welbeck Glade; this was initially closer, but the development has been amended to increase the offset distances. Following the revisions, this would be 0.5m shorter than the Council's guidance would normally require but this is not considered to be so short as to result in any level of harm to privacy and amenity that would justify a refusal of planning permission. In reaching this conclusion, regard has been had to the fall-back position established by 'permitted development' allowances, which permits windows in two storey extensions to be positioned only 7m from a rear boundary, such that 14m separation is generally permitted nationally under those regulations. Given the minor shortfall and this fallback position, the proposed arrangement is considered to be acceptable in planning terms.

Further concerns have been raised by residents of Welbeck Glade regarding the proposed loss of landscaping on land to the rear of that property; similar comments have been raised more generally regarding the loss of landscaping elsewhere on site as a result of the development. Whilst noting these concerns, the principle of the uses for various parts of the

site, including the portion of land to the rear of Welbeck Glade, for housing was established by the original grant of outline planning permission, along with specific provision for some areas of hedgerow retention. No such requirement for the retention of the landscaping or hedgerow to the rear of Welbeck Glade was deemed necessary as part of that grant of the outline permission. Whilst seeking to avoid the loss of existing landscaping where practical in new housing development, this is often necessary to ensure the ability to deliver an efficient layout in terms of land use, and this is balanced through landscape mitigation. As discussed elsewhere in the report the overall balance of landscaping loss to that being provided as mitigation is considered to be appropriate and as such, this issue does not give any grounds to require amendments or for a refusal of consent.

Concerns have also been raised regarding the relationship of new dwellings to the rear of dwellings on Longlands, with an indicated that bungalow were promised/expected in this location, and that overlooking will occur. In this respect the outline planning permission made no provision to restrict dwellings on any part of the site to bungalows. Additionally, all the proposed dwellings in this location would be separated from the Longlands dwellings by retained allotments, such that the Council's separation guidelines are exceeded, such that no harmful impacts in planning terms will arise.

Comment is made about the impacts of the development on retained properties either side of the proposed link to be created to the site from Longlands. As previously mentioned, the principal of such a link, and indeed a requirement for it, was made as part of the original grant of outline planning permission. Whilst the relationship of the retained dwellings to their immediate surroundings will change, it is considered that the design of the link road will ensure an appropriate relationship to that road, with the provision of grass verges alongside the dwellings, will be provided (drawing extract below). Conditions to control the final details and provision of this are recommended for inclusion.



Full ground and finished floor levels details have not been included with the reserved matters drawings, and to ensure that these are reasonable and do not raise any harmful impact to neighbours' amenities, it is recommended that a condition requiring approval of such details is proposed.

Representations raise concerns in respect of noise, dust and other disturbance during development, both in terms of impacts from the development already undertaken as well as from the future proposals; this includes comment about the misuse of Elmtun Lane by construction traffic. Whilst acknowledging that some level of disturbance is inevitable as part of the delivery of a development of this nature, these are existing construction management conditions on the outline planning permission, that require the subsequent approval of environmental management plans. Upon receipt of these documents, consultation is undertaken with the Environmental Health Officer to ensure that these will provide a suitable level of protection for the amenity of residents prior to any approval of them. Additionally, notwithstanding these planning controls, there are also additional statutory Environmental Health and Health and Safety legislation must also be adhered to by developers. Considering this, there is no requirement for any additional controls to be included as part of any reserved matters consent that may be granted. The use of Elmtun Lane during the earlier phases were investigated and action taken where appropriate. In some cases, this was unavoidable due to the delivery of services associated with the development along or across that lane; where damage has occurred, re-instatement works have been carried out, or a commitment has been received (enforceable under conditions of the existing consents) will be undertaken in due course, where any work is ongoing. General access along that lane for either construction purposes or longer-term access to individual properties is not permitted and would be covered though any management plan. Should any further unauthorised instances occur, these would have to be investigated at that time. Additionally, the use of a bridleway for unauthorised access is also covered by other legislation, including under the highways act that would be enforceable by the Highway Authority and/or the Police.

Mention is made of compensation to residents for disturbance, including in the form of works to adjacent properties, but no such provision is made through planning legislation for this, such that this is not material to the consideration of this application.

Mention is also made regarding the location of bin storage on plots, but this is not a level of detail that would be controlled as part of the grant of planning permission, as this would unreasonably restrict the personal choices of future occupants of dwellings. Sufficient bin storage space is available to all plots.

In respect of issues regarding deposition of waste on existing parts of the development, this is not material to the consideration of this application.

The comment regarding the impact of vehicle lights on nearby dwellings at any new junction is noted, but this is not an unusual or unacceptable arrangement and would not be sufficiently harmful to justify any amendments to the detail or a refusal in planning terms.

Any temporary restrictions to access private property is a private matter between the developer and the owner/tenants of any affected properties and is not a material planning consideration.

In conclusion, subject to the inclusion of the conditions discussed above, it is considered that adequate provision is made to protect the privacy and amenity of existing and proposed residents.

#### Access and Highway Safety

Most of the development, except for 58 dwellings to the west, would be accessed from the existing section of the spine road, now known as Bennet Way, that has already been formed as part of the first development phase. This road will be extended to link through with Longlands to the south, in accordance with the requirements of the strategic allocation and outline planning permission.

Also, in accordance with the outline planning permission, the 58 dwellings to the west would be accessed from a new junction that would be formed onto Oxcroft Road to the west not providing vehicular access through to the wider development, so would not forming a link between Oxcroft Lane to the west and Marlpit Lane to the east, but would allow for pedestrian and cycle access.

These details comply with the requirements of condition 13 of the outline planning permission.

There are several footpaths that cross the site and appropriate provision to accommodate these or to divert them as close as practicable to their original alignments, have been made. Whilst noting the comments of the Ramblers Association, it is inevitable in the context of an urban extension such as this that the character of existing footpaths will be changed, but it is considered that the location and treatment of the routes proposed under these proposals are appropriate.

Whilst noting the comments from Active Travel England in respect of alternative treatment of Elmtun Lane, the principles of impacts on that lane were established as part of the original grant of outline planning permission and as such cannot be re-considered through this proposal. This resulted in a contribution payment as part of the development to Derbyshire County Council as the Highway Authority as a contribution to that path. That contribution is payable once the development is over 300 dwellings.

Comment is also made by Active Travel England in respect of the design of pedestrian crossings and links, preferring the avoidance of guard rails, as well as details of cycle parking. In this respect, no guard rails are shown in the submitted documentation, with the Elmtun Lane crossing proposing the use of a raised table to give some priority to the crossing at this point. The final design of any elements of these that will be contained within the adopted highway will be subject to final detail approval by Derbyshire County Council as the Highway Authority and the final details for elements for the cycle path and cycle parking within the town park will be controlled through the recommended condition to finalise details of this feature, but it is noted that no such barriers to the movement of pedestrians and cycles are proposed in the current designs. No additional controls in this respect are therefore considered to be necessary.

Derbyshire County Council as the Local Highway Authority (LHA) has stated that after extensive discussion and following revisions to the layout, it now has no objections to the application, including agreement to the latest revised phasing programme required by

condition 7 of the outline planning permission and the latest revised Travel Plan, as required by condition 8 of the same planning permission. Those existing conditions require for the development to accord with their content.

Details of areas proposed for highway adoption have been provided and are appropriate in terms of the requirements of condition 12 of the outline planning permission.

In view of the above, the proposal is considered to be acceptable in respect of access and highway safety issues.

#### Heritage Impacts

The distance of the proposals from the Conservation Area and the nearest Listed Buildings, coupled with the domestic scale of the proposed buildings, means that there will be no harmful impacts on any built heritage assets.

Condition 14 (parts a-d) on the outline consent form a phase-specific requirement for archaeological investigation of a prehistoric-Romano-British field system and associated features identified by geophysical survey at the pre-application stage.

It is noted from the response of the Archaeologist that the content of the submitted written scheme of investigation (WSI) is not sufficient, but it is not a requirement of the original outline planning permission that this condition be fully discharged before the approval of any reserved matters applications. For this reason, if reserved matters approval is consented, the requirements of that condition will remain and would still need to be satisfied before development could commence. An advisory note regarding this is recommended for inclusion.

#### Landscaping and Ecology

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Mandatory biodiversity net gain requirements do not apply to reserved matters applications.

In respect of the outline planning permission, conditions 15 and 16 required the following: -

15 The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

16 Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Dwg. No. HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage

during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centreline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

In terms of wildlife and ecology matters, The Derbyshire Wildlife Trust has advised that: -

- Areas of Public Open Space appear well designed to maximise their biodiversity value. These include the large SuDS Pond, the pocket park/orchard, pocket park with wildflower meadow and linear POS at the boundaries of development parcels. Tree-lined streets are also a welcome feature.
- Plant and seed mixes appear largely suitable, although we would add that the site is located on the magnesian limestone and therefore mixes could be better tailored to reflect this. This will ensure that they will thrive in the soil conditions present and provide host plants to local wildlife, especially invertebrates, which require specific plant species to survive.
- Encourage a flowering lawn or clover lawn mix to be used in areas of 'Infrequently mown amenity grass' to provide additional benefits to pollinators. These are hardwearing and can still be mown short, as needed.
- The Bolsover North Hedgerow Plan seems to align with that produced at the outline stage in 2016, with some small discrepancies. A total of 2945 m of hedgerow will be retained across the site, with 1632 m removed. Approximately 888m of native hedgerow is proposed in POS and 3197 m of ornamental hedgerow in association with dwellings. Ornamental hedging around properties can still provide benefits to wildlife and we advise that these comprise native single species, such as beech, hornbeam, holly or yew, or non-native species with some value to wildlife<sup>1</sup>. We are aware that Hedgerow Management Guidance for homeowners was produced for earlier phases of the development. After a review of the Bolsover North Hedgerow Plan, it would seem that few retained hedgerows are within residential curtilages in future phases, however we advise that the guidance should be rolled out across the site, in instances where it is applicable.
- I note that the Management Plan indicates that the small orchard present in the west of the site close to Oxcroft Road is to be maintained by the Management Company. I had thought that this orchard was managed by local people (possibly connected to the allotments) and as such its management might have fallen under Bolsover District Council's remit. If the Council could clarify that the Management Plan is correct on this point and if so, it will be important for the management company to liaise with local people who are familiar with the recent management of the orchard.

As already discussed in the design discussion earlier, the location and quantity of proposed landscaping is considered suitable in design terms and follows the principles established in the outline planning permission, and with a few small and acceptable differences, accords with the hedgerow retention and removals plan agreed with the outline planning permission (condition 16 requires any reserved matters scheme to generally accords with that plan, and the submitted details accord with this).

It is accepted that the quantum and general distribution of the proposed soft landscaping is appropriate, but that the final species will need to be amended to ensure that the benefits to biodiversity are improved in line with the comments of the Derbyshire Wildlife Trust and a



condition and advisory note to achieve this are recommended.

The submitted landscape management plan is restricted solely to the identification of which organisations are envisaged would be responsible for management of the Town Park (Bolsover District Council, subject to satisfactory adoption process), and landscaped areas that are positioned outside of individual curtilage areas of each housing plot (a private management company for all such areas, excluding those areas in the public highway, would be utilised). Areas within proposed highway limits, that would include the proposed street trees, would be subject to separate adoption arrangements with the Highway Authority, who would become responsible for their ongoing management and maintenance.

This general split of responsibilities is considered appropriate in principle, but additional details over the final management regime for the Town Park and non-highway areas will need to be subject to later more detailed approval and a condition requiring this is proposed. Provision of the street trees will also need to be conditioned, along with a condition requiring alternative management arrangements if these trees are not adopted by the Highway Authority. A note drawing attention to the comments of the Derbyshire Wildlife Trust in respect of the form and content of any management plans is also proposed for inclusion.

In line with the approach taken on the earlier reserved matters consent ref. 23/00238/REM, a conditions is also proposed to provide ecology guidance to future purchasers of properties adjacent to retained hedgerows for the maintenance and upkeep of those hedgerows; it should be noted however, that the inclusion of these within the curtilage of individual dwellings has been reduced as far as practicable within the proposed layout to minimise potential harm to these by individual occupiers following the occupation of any dwellings.

### Flood Risk and Drainage

Condition 21 of the outline planning permission requires: -

21. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until drainage plans for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority for that phase (or sub-phase). The scheme shall be implemented in accordance with the approved details before any development within any phase (or sub-phase) is first brought into use.

Condition 22 requires: -

22. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a scheme for the improvement or extension of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings within any phase (or sub-phase) until the scheme for improvement or extension of the existing sewage system for that phase (or sub-phase) has been completed in accordance with any approved details.

Yorkshire Water has raised no objection to the details submitted noting appropriate proposals for the disposal of foul water discharge, and based on this comment, it is considered that the requirements of conditions 21 in respect of foul drainage have been satisfied.

Yorkshire Water has also raised no objections to the submitted surface water drainage

proposals, although the key consultee in respect of such matters is Derbyshire County Council as the Lead Local Flood Authority (LLFA).

Whilst full and final details of the surface water drainage scheme are not finalised, this is accounted for by condition 23 of the outline planning permission that will have to be complied with prior to the commencement of any development within this phase should it be permitted. That said, the LLFA has requested, and has been provided with, sufficient information to demonstrate that it will be possible to deliver a final scheme that will be able to deliver the necessary drainage, with appropriate filtration for water quality, within the areas shown on the submitted drawings, sufficient to enable that no additional land will be needed for this purpose, therefore enabling the determination of the remainder of the reserved matters to which this application relates. An advisory note has been proposed, that is recommended for inclusion.

In respect of the comments raised by a neighbour on the issue of legal rights to discharge a cesspit onto parts of the development site, the applicants have confirmed that they are fully aware of the legal rights to discharge and that they will observe all legal rights, with the intention that they would divert existing effluent flows into the new drainage infrastructure, thereby replacing the historic drainage arrangements more up to date, resulting in environmental improvement. In planning terms, this is a private legal matter and a matter that will also require approval under the Building Regulations; for this reason, this is not considered to raise any insurmountable issues for which there is not a reasonable prospect of private resolution, and so this does not preclude the determination of this application. Any planning consent does not override the separate need for compliance with both the Building Regulations and private restrictions, and the developer must obtain those consents to be able to build the layout that is submitted under this planning application should it be approved; in the unlikely event that this is not satisfactorily resolved in a way to facilitate the currently proposed, the developer would have to apply to this Council as the Local Planning Authority for consent for any necessary amendments.

### Other

Whilst the above assessment covers most issues raised in consultation responses and through representations, the following discussed issues that are not addressed:

- Chesterfield Royal Hospital has sought S106 contributions, however, new S106 contributions cannot be sought at Reserved Matters stage.
- A comment has been made about the retention of an old streetlight. The light in question is within the public highway and is the responsibility of Derbyshire County Council as the Local Highway Authority and could be removed at any time; this item has no protected status through the planning process.
- Blocking of private driveways is a private issue, and in some circumstances can be a criminal issue enforceable by the police and is not a material planning consideration. Any other issues regarding private access, or impacts such as power outages etc, and maintenance rights is also a private matter.
- Comments regarding temporary impacts from the Phase 1 development on Elmtun Lane have been noted. Any impacts on a public footpath or driveway must be subject to appropriate consents from the Highway Authority and this control should not be duplicated through any planning consent, and this would include the condition of those

footpath/bridleways. Where works have resulted in unforeseen impacts, such as the need to remove additional hedgerow, this work was agreed with the Planning Department and is subject to re-instatement works.

- Any promises/commitments made by a developer to individual property owners or residents made by developers cannot be enforced by the Local Planning Authority, unless they achieve a material planning objective.
- Any damage to property by the developers is a private civil matter.
- Any incorrect deposit of materials or waste may not be a planning issue and would not be permitted by any planning consent; should this occur, this would have to be investigated on a case-by-case basis to establish whether there was any breach of planning control.
- On-site security is covered through health and safety regulations and is not a material planning consideration.
- Impact on property values is not a material planning consideration.

## **CONCLUSION / PLANNING BALANCE**

The principle of development on this site is already established through the strategic Local Plan allocation and the previous grant of outline planning permission.

The submitted reserved matters are considered to accord with the parameters of the original outline planning permission and the Design and Access Statement approved by that permission.

Whilst there are a few technical details that still need to be fully resolved, these are minor in nature and are not considered significant to reaching a resolution in respect of this proposal and it will be possible to include conditions on any consent issued to deal with these to make the development otherwise acceptable.

## **RECOMMENDATION**

Subject to the approval of the parallel application ref. 25/00433/OTHER for the amendment to the S106 associated with the outline planning permission ref. 14/00080/OUTEA, and subject to the completion of any Deed of Variation, this reserved matters application is recommended for approval, subject to the following conditions, which are provided below draft form, the final wording to be agreed by the Planning Manager: -

### **Conditions**

1. Unless otherwise required and/or approved under other conditions of this consent, or conditions of outline planning permission 14/00080/OUTEA that are still to be complied with, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents: -

Documents submitted with the original reserved matters application: -

- House Type Pack (Persimmon)
- GTC-E-SS-0012-R2 1 OF 1 - Strata - Close Coupled Substation Pyramid Roof Detail General Arrangement

Documents submitted 08/08/2025: -

- House Type Pack (Stancliffe Homes)

Documents submitted 08/10/2025: -

- P2612 - V - 1001 REV B - Visibility Splays and Forward Visibility in Line With 20mph Speed Limit
- P2612 - V - 1002 REV B - Visibility Splays and Forward Visibility in Line With 20mph Speed Limit

Documents submitted 16/10/2025: -

- P24-1323\_EN\_001H - Town Park Landscape Masterplan
- P24-1323\_EN\_002G - Town Park Detailed Hard and Soft Landscape Proposals
- P24-1323\_EN\_003F - Wider Site Landscape Masterplan
- P24-1323\_EN\_004F - Hedgerow Plan
- P24-1323\_EN\_005B - Longlands Welbeck Rd Landscape Proposals
- P24-2401\_DE\_015\_S - Planning Layout (Stancliffe)
- P24-2401\_DE\_016\_G - Materials Plan (Stancliffe)
- P24-2401\_DE\_017\_F - Boundary Treatments Plan (Stancliffe)
- P24-2401\_DE\_025\_R - Planning Layout (Persimmon)
- P24-2401\_DE\_026\_F - Materials Plan (Persimmon)
- P24-2401\_DE\_035\_E - Key Dimensions
- HTP-V01 - Strata Updated House Type Pack July 2025

Documents submitted 30/10/2025: -

- P24-2401\_DE\_003\_N - Composite Masterplan (B&W)
- P24-2401\_DE\_003\_N - Composite Masterplan (Colour)
- P24-2401\_DE\_005\_W - Planning Layout (Strata)
- P24-2401\_DE\_006\_F - Materials Plan (Strata)
- P24-2401\_DE\_007\_F - Boundary Treatments Plan (Strata)
- P24-2401\_DE\_027\_F - Boundary Treatments Plan (Persimmon)
- P24-2401\_DE\_028\_F - Composite Materials Plan
- P24-2401\_DE\_029\_E - Composite Boundary Treatments
- P24-2401\_DE\_032\_E - Management Plan
- P24-2401\_DE\_033\_F - Highways Adoption Plan
- P24-2401\_DE\_041\_B - Highways Materials Plan

Document submitted 04/11/2025: -

- BOL2-ELCD-001 Rev. A - Elmtun Lane Crossing Detail

Documents submitted 20/11/2025: -

- Revised spine road delivery plan.
- Revised spine road delivery programme.

Documents submitted 02/12/2025: -

- Strata Oporto House Type (ref. BM-C4-0100-A2-01-P2)
- Additional Phasing Plan (ref. P24-2401\_DE\_044\_A)

[REASON] To clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by the Department for Communities and Local Government, November 2009 and for the avoidance of doubt having regard to the amended

and additional documents that have been submitted.

2. The submitted hard and soft landscaping details submitted with the planning application, containing full details and specifications for all soft landscaping including replacement hedges, full details of all means of enclosure, highway and footpath surfacing and a detailed specification for the permanent management and maintenance for all public areas, are not hereby approved, and the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA are not hereby discharged. Revised details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the general requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to the commencement of any development, which may be agreed on a phased basis, subject to prior written agreement with the Local Planning Authority on such phasing areas to ensure that all sub-areas are incorporated, including individual developer areas, Town Park and SuDS/Landscape zones outside of these areas.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District.]

3. Prior to the erection of any dwelling above foundation level within any developer phase, a phasing programme for the implementation of all the proposed street trees within that phase that must include all trees along the existing/proposed spine road closest to that developer's phase that are shown within the joint venture highway areas on the submitted phasing plan ref. P24-2401\_DE\_044\_A, must have been submitted to and approved in writing by the Local Planning Authority; this must include a programme of management and maintenance for up to the point at which the highway (including the street trees) is adopted. The street trees must then be provided and maintained in accordance with that programme and management and maintenance scheme at all times, up to the date of their adoption by the Highway Authority.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District, with specific regard to the requirement to provide street trees within the National Planning Policy Framework.]

4. In terms of any soft landscaping within individual dwelling curtilages, if within a period of five years from the date of the planting of any tree or shrub, that tree or shrub may die, be removed, uprooted or become seriously damaged it must be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

[REASON] To ensure that any soft landscaping is suitably maintained in the interests of visual amenity and biodiversity and in compliance with Policies SS1(i), SC2(h and i), SC3(a, b and e), SC9 and SC10 of the adopted Local Plan for Bolsover District.

5. Retained hedgerows must be protected and maintained at all times during the course of the development, and at all times thereafter. Additionally, prior to the occupation of any dwelling that adjoins a retained hedgerow, details of an information pack to advise new homeowners

on hedgerow management must have been submitted to and approved in writing by the Local Planning Authority. The hedgerow guidance should include the following:

- Wildlife importance of hedgerows for insects, birds, amphibians, and small mammals
- Ideal management to maintain the hedgerows for the benefit of wildlife.
- Additional actions homeowners can take in their gardens to assist the hedgerow wildlife.

The approved hedgerow guidance document must be issued to the initial purchaser of each new dwelling.

[REASON] To ensure the ongoing management and maintenance of the retained hedgerow in the interests of visual amenity and biodiversity, and in compliance with Policies SS1(i), SC2(h and i), SC3(a, b and e), SC9 and SC10 of the adopted Local Plan for Bolsover District and the requirements of the National Planning Policy Framework.

6. Notwithstanding the submitted details, full details of all external walling and roofing materials following the principles established on the submitted materials plans must have been submitted to and approved in writing for each dwelling, prior to the construction of that dwelling above foundation level. Only the details approved under this condition must be implemented as part of the development.

[REASON] To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.

7. No meter boxes shall be fixed to elevations fronting a highway without the prior written approval of the Local Planning Authority having been provided with details of the colour of such features beforehand.

[REASON] To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.

8. Prior to any works commencing within each developer phase, except for the installation of any protective fencing for retained landscaping, archaeological works and site clearance works, details of the finished floor levels for all dwellings must have been submitted to and approved in writing by the Local Planning Authority and the scheme as constructed must fully accord with any approved details.

[REASON]: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.

9. Prior to their installation, full details of any proposed Pumping Stations or Sub-Stations must have been submitted to and approved in writing by the Local Planning Authority, and the completed development must be carried out only in accordance with those approved details.

[REASON] To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.

10. Prior to the development on any plot above foundation level within the eastern section of the Persimmon development (shown as phases 4 – 11, coloured green, on the phasing programme submitted on the 20<sup>th</sup> November 2025), a detailed scheme of noise attenuation measures, using the findings of the revised and agreed Noise Impact Assessment ref: P7884-R1-V5 dated 2nd December 2025 submitted under this condition, to include for adequate ventilation to avoid overheating, must have been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented in full prior to the occupation of any affected dwelling and must always be retained thereafter.

[REASON]: To protect the aural amenity of future occupiers of the proposed dwellings and in compliance with Policies SS1(h), SC1(a and c), SC2(a and d), SC3(a, l and n), and SC11 of the adopted Local Plan for Bolsover District.

11. Prior to occupation of each dwelling requiring noise mitigation measures under any scheme approved under the terms of condition 10 above, the scheme as approved and implemented must be validated in respect of that dwelling by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority in respect of that dwelling.

[REASON]: To protect the aural amenity of future occupiers of the proposed dwellings and in compliance with Policies SS1(h), SC1(a and c), SC2(a and d), SC3(a, l and n), and SC11 of the adopted Local Plan for Bolsover District.

12. Notwithstanding the submitted details, prior to the occupation of plots S208, S209 and S214, revised details of the proposed position of the pedestrian gates to access the rear gardens of those plots into a more prominent location visible from the public domain, must have been submitted to and approved in writing by the Local Planning Authority. The gate to each property must be erected in accordance with the details approved under this condition prior to its occupation and must be maintained as such thereafter.

[REASON] In the interests of crime prevention and in accordance with the requirements of Policy SC3 (f) of the Local Plan for Bolsover District.

13. Prior to the occupation of the dwellings on plots PE247-253, PE254-258, PW344-348 and PW 307-311, fencing or other appropriate means of enclosure (low knee rail fence suggested) must have been provided to define the boundary between public and private areas alongside the entire length of any private driveway alongside each affected plot, all provided in accordance with details that must previously have been submitted to and approved in writing by the Local Planning Authority, which must be retained as approved at all times thereafter.

[REASON] In order to clearly identify the boundary between public and private domains in the interests of crime prevention and in accordance with the requirements of Policy SC3 (f) of the Local Plan for Bolsover District and to ensure a satisfactory standard of external appearance in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.

14. Prior to the occupation of any dwelling within or adjoining any individual developer phase, details of lighting to any proposed footpaths and private driveways, excluding any areas that

would form part of any adopted street, must have been submitted to and approved in writing by the Local Planning Authority, which must include an implementation programme for its installation. The approved scheme must be implemented in accordance with the approved programme and maintained as approved at all times thereafter.

[REASON] In the interests of crime prevention and in accordance with the requirements of Policy SC3 (f) of the Local Plan for Bolsover District and to ensure a satisfactory standard of external appearance in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.

15. Prior to the development of the section of the link road closest to Longlands (shown blue on the approved phasing plan and programme submitted on 20<sup>th</sup> November 2025, revised details for this area must have been submitted to and approved in writing by the Local Planning Authority and the approved scheme must be provided in accordance with that detail.

[REASON] In order to enable revised detail to account for minor discrepancies on that plan in respect of the need to retain existing access points to adjacent properties and to control the final detail of this area to ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.

16. Prior to the commencement of the demolition of 42 Welbeck Road, details for the treatment for gable wall at 44 Welbeck Road must have been submitted to and approved in writing by the Local Planning Authority, and the scheme must be implemented as approved.

[REASON] To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.

17. Notwithstanding the submitted details, prior to the occupation of any dwelling approved by this reserved matters consent, revised details for the location and treatment of proposed bus stops must have been submitted to and approved in writing by the Local Planning Authority, to include details of their delivery in line with the parameters of the approved phasing programme for the delivery of the spine road, as submitted on the 20<sup>th</sup> November 2025, and the approved details must be implemented in accordance with this approved detail.

[REASON] To provide a suitable location and treatment of any proposed public transport facilities, in the interest of the character and appearance of the development, as well as the amenities of residents, and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.

### **Statement of Decision Process**

In compliance with the National Planning Policy Framework the Council has negotiated amendments, including partial withdrawal of elements of the original submission, and sought additional submissions in respect of site layout, highway safety, crime prevention, flood risk, ecology and noise to seek compliance with the outline planning permission, policies of the adopted Local Plan for Bolsover and the NPPF.

### **Equalities Statement**



Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

### **Human Rights Statement**

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

## **BOLSOVER DISTRICT COUNCIL**

### **Meeting of the Planning Committee on 21<sup>st</sup> January 2026**

#### **Report: Appeal Decisions: July 2025 – December 2025**

#### **Report of the Development Management and Land Charges Planning Manager** **(Prepared by Karen Wake)**

<b>Classification</b>	This report is Public
<b>Contact Officer</b>	Karen Wake/Chris Whitmore

### **PURPOSE/SUMMARY OF REPORT**

- To report the Planning Service's performance against the Government's quality of decision making targets.
- To report the appeal decisions made over the last reporting period and any issues arising / learning

### **REPORT DETAILS**

#### **1. Background**

- 1.1 In November 2016 (updated December 2024) The Department for Communities and Local Government produced guidance entitled "Improving Planning Performance which included guidance on speed of Planning decisions and Quality of Planning Decisions. This report relates to the quality of decision-making targets.
- 1.2 The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal.
- 1.3 The threshold or designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10 per cent** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

During the July-Dec 2023 monitoring period the council had no appeals on major planning applications and three appeal decisions on non-major applications. Two of these appeals were dismissed and one was allowed. However, this only equated to 0.57% of the number of non-major applications determined within that period. During the Jan-June 2024 monitoring period the council had no appeals on major planning applications and three appeal decisions on non-major planning applications. All three of these appeals were dismissed. The council therefore successfully defended 100% of the appeals determined within that period. During

the July-December 2024 the council had no appeals on major planning applications and five appeal decisions on non-major planning applications. Two of these appeals were dismissed and three were allowed. However, this only equated to 1.66% of the number of non-major applications determined within that period. During the January-June 2025 monitoring period the council had no appeals on major planning applications and four appeal decisions on non-major planning applications. All four of these appeals were dismissed. The council therefore successfully defended 100% of the appeals determined within that period.

- 1.4 Following the first report of appeal decisions to Planning Committee in January 2019 it was agreed that appeal decisions continue to be reported to Committee members every 6 months.

## **2. Details of Appeal Performance within the Previous Six Months, Overall Performance and Reasons for Recommendation**

- 2.1 The latest monitoring period was July-December 2025. During this period the council had no appeal decisions on major planning applications and three appeal decisions on non-major planning applications. One of these appeals was dismissed and the other two were allowed. However, this only equates to 1.43% of the number of non-major applications determined within this period.
- 2.2 One appeal decision was also made against the refusal to grant prior approval for the erection of a forestry building. That appeal was dismissed. The performance of Local Authorities on the outcome of prior approval appeals is not measured in the same way as planning appeals. However, it is considered useful to report these appeals within the same time period to address any issues and allow any lessons to be learnt from these appeal decisions.
- 2.3 The assessment period for the quality of decisions is two years up to and including the most recent quarter for which data on planning application decisions are available. No appeals have been made in respect of applications for major development over this period and only six appeals against decisions to refuse planning permission for non-major development have been allowed. This comprises only 1.02% of the total number of decisions on applications for such development, far exceeding the government target for no more than 10% of decisions being allowed at appeal.
- 2.4 The lack of appeals generally against planning decisions taken indicates current decision making is sound and the Council's performance in successfully defending decisions at appeal is good, with 60% of the total number of appeals received being dismissed. It is recommended that the appeal performance and this report be noted and that members continue to be briefed on appeal decisions and performance on an ongoing 6 monthly basis to learn from the decisions made and ensure quality of decision-making meets and exceeds government targets.

## **3 Alternative Options and Reasons for Rejection**

- 3.1 An alternative option would be to not publish appeal decisions to members. It is however considered useful to report decisions due to the threat of intervention if the council does not meet the nationally set targets. Members of Planning

Committee should understand the soundness of decision making and soundness of Planning Policies.

- 3.2 In the June 2021 internal audit, the process of reporting appeal decisions to Planning Committee and reflecting on decisions taken was reported. The process supported the Planning Department achieving 'substantial' reassurance in the latest internal audit of 'Planning Processes and Appeals'.

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### **RECOMMENDATION(S)**

1. That the quality of decision making / appeal performance and report be noted.
2. That appeal decisions continue to be reported to Committee members every 6 months.

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### **IMPLICATIONS:**

<b><u>Finance and Risk</u></b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Details:</b> Costs can be awarded against the council if an appeal is lost, and the council has acted unreasonably  The council can be put into special measures if it does not meet its targets		
<b><u>Legal (including Data Protection)</u></b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Details:</b> Appeal documents are publicly available to view online. Responsibility for data is PINS during the appeal process.  Decisions are open to challenge but only on procedural matters.		
<b><u>Staffing</u></b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Details:</b> Factored into normal officer workload and if original application report is thorough, it reduces the additional work created by a written representations appeal. Additional workload created if the appeal is a hearing or public enquiry.		
<b><u>Equality and Diversity, and Consultation</u></b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Details:</b>		

Consultation and publicity is are carried out with each application and appeal.  
Consultations on this report of appeal decisions is not necessary.

By monitoring appeal decisions, it allows us to check that equality considerations are considered correctly in the assessment of planning applications. There have been no appeal decisions reporting equalities have been incorrectly addressed.

**Environment**      Yes ☒      No ☐

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Sound planning decision ensures the environmental objective of achieving sustainable development, namely to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy is met.

## **DECISION INFORMATION:**

☒ **Please indicate which threshold applies:**

### **Is the decision a Key Decision?**

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

**Revenue (a)** Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

**Capital (a)** Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

### **District Wards Significantly Affected:**

*(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)*

Please state below which wards are affected or tick **All** if all wards are affected:

Yes ☐      No ☒

(a) ☐      (b) ☐

(a) ☐      (b) ☐

All ☐

<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/>
<b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>Leader</b> <input type="checkbox"/> <b>Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	

<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>

# **DOCUMENT INFORMATION:**

<b>Appendix No 1</b>	<b><u>Planning Appeal Decisions Period July 2025 – December 2025</u></b>
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**Appeal Ref: APP/R1010/W/25/3371087: Meadow View Stables, Newton Road, Tibshelf, DE55 5PH**

The application was for the retention of two mobile homes. The application was refused.

## **Main Issues**

The main issues were:

- Whether the appeal site was an appropriate location having regard to local planning policies; and
- The effect of the development on the character and appearance of the surrounding area.

## **Conclusion**

The Inspector agreed that the site was outside of the development envelope within the open countryside. The Inspector did not consider the land on which the caravans are sited to be previously developed land, nor did they fall within any other categories under which the development may be acceptable under policy SS9 of the Local Plan which restricts development in the countryside unless it falls within specific categories. The Inspector concluded that the site did not provide a suitable location for the development

as it would conflict with the development plan strategy to restrict development in the countryside, and conflict with Policy SS9 of the Local Plan.

The Inspector considered the character and appearance of the area to be semi-rural, with a sense of openness and greenery which resonated with the identification of the area as an important open break area in the Local Plan. In such areas, Policy SS11 of the Local Plan aims to restrict development to that which does not detract from the objective of maintaining an open character which contributes to the separation of settlements. The Inspector considered the site to be an area of grassed land, which was largely devoid of built form which, notwithstanding the presence of other nearby buildings, reinforced the open, rural qualities of the landscape and separation of settlements. The Inspector considered that the presence of two mobile homes, owing to their boxy, utilitarian form and associated volume, adversely encroached upon the sense of openness. The Inspector also felt that the activity, domestic paraphernalia, parked vehicles and lighting associated with their occupation exacerbated that harm by diluting the rural qualities of the area.

The Inspector considered that the caravans could not be widely seen but felt that Policy SS11 is not expressly confined to those areas which are widely seen from public points, rather it seeks to maintain the separation of settlements. So, whilst limited visibility from the road may restrict the extent of harm, it did not negate it.

The Inspector concluded that the proposal would result in harm to the character and appearance of the surrounding area contrary to Policy SS11 of the Local Plan. The Inspector also concluded that the proposal further conflicts with Policy SS9 which requires new development to respect the form, scale and character of the landscape and Policy SC5 which supports development only where it is in keeping with and enhances the original character of the landscape and where a curtilage can be created that does not adversely affect the landscape character. For similar reasons it runs counter to Policy BE2 of the Tibshelf Neighbourhood Plan 2017-2033 (May 2023) which seeks to ensure that new development in this location respects local character having regard to landscape.

For these reasons the Inspector concluded that the proposal would conflict with the development plan as a whole and there were no material considerations that indicated that the development should be determined otherwise than in accordance with it.

The appeal was dismissed.

#### Recommendation

None

The decision was made in accordance with Local plan policies SS9, SS11 and SC5. The Inspector agreed with the interpretation of these policies.

#### **Appeal Ref: APP/R1010/W/25/3365670: Greenacres, Budge Lane, Scarcliffe, S44 6TA**

The application was for the erection of five dwellings and the construction of an access road. The application was refused.

#### Main Issues

The main issues for consideration were:

- Whether the proposal represents a suitable location for residential development, having regard to the development plan and national guidance
- The effect of the proposal on the character and appearance of the area
- The effect on the settings of the Scarcliffe Conservation Area (SCA) and non-designated heritage assets, and
- Whether the proposal would accord with local and national requirements to provide net gains for biodiversity.

### Conclusion

The Inspector concluded that the development would result in conflict with the development plan as its location would be contrary to the settlement strategy for the district. However, the harm in this respect was tempered by the fact that the proposed dwellings would be adjacent to the village, as close as other dwellings within the settlement limit to the village's facilities. The proposal would also re-use land which, though not formally previously developed land, had previously had structures on it, and for which planning permission has previously been granted for an identical design. He also concluded it would not have a harmful effect on the surrounding landscape or nearby designated and non-designated heritage assets.

Set against this harm, the Inspector considered the proposal would be consistent with several key aims of the Framework, including adding to the district's overall and rural housing stock, making effective use of land and, through its location close to other dwellings, local facilities and public transport, making small but positive social, economic and environmental contributions that would help maintain the vitality of rural communities. The Inspector also considered there would also be modest, but nonetheless positive net gains for biodiversity.

The Inspector considered that these material considerations weighing in favour of the proposal, taken together, outweighed the limited harm arising from the locational conflict with the spatial strategy and justified a decision other than in accordance with the development plan in this case.

The appeal was allowed, and planning permission was granted subject to conditions.

### Recommendation

None. In this instance the Inspector agreed with the council's interpretation of Policies SS3 and SS9 of the Local Plan but gave greater weight to what they considered the benefits of the proposal and to the previous recently lapsed planning permission. The policies relating to the development are generally in line with the National Planning Policy Framework.

### **Appeal Ref: APP/R1010/W/24/3368227: Land adjacent to 36 Harvester Way, Clowne, S43 4FF**

The application was for change of use of land to equestrian use and the siting of two field shelters. The application was recommended for approval subject to conditions. The application was refused at Planning Committee contrary to officer recommendation.

### Main Issues

The main issue for consideration was the loss of protected green space, as identified in the development plan.

### Conclusion



The Inspector considered that the site is identified as protected green space in the local plan where the change of use of such land to other uses is resisted by Policy ITCR6 of the LP unless either a satisfactory replacement facility is provided, or the proposal is of a greater overall benefit to the local community than existing or realistic potential uses of the green space. No replacement facility is proposed as part of the appeal submission. However, the Inspector agreed that it formed neither part of the adjacent housing development nor did it form part of the adjacent sports facility.

In such a context, the Inspector acknowledged the Council focused on the potential future uses of the green space, as there has never been a formal 'existing' use in green space terms and the intention to explore the possibility of compulsorily purchasing the land so that it can be used as green space in the future. However, the Inspector considered the details of whether this was likely to be possible, whether it would represent a good use of public money, and any details in terms of progress that had been made in moving that process forward since the planning application was submitted were notably lacking.

The Inspector considered that even if this was shown to be a realistic future use, there is evidence in the many representations received from interested parties that the equestrian use has been of considerable benefit to the community, who for the most part welcome the presence of the horses on the site. Reference is made both to the benefits of having horses on the site as a relief from the urban feel of the housing estate and to the land being maintained in a good condition as a result of the use. This use also maintains the land as open in character, albeit without public access. In comparison, there would be a more limited benefit in securing the appeal site as green space, given that it is a narrow section of land and that there is a much larger and more usable area of public green space adjacent.

The Inspector also acknowledged the reference by the Council to the potential for a footpath link to be created across the appeal site to the adjacent playing fields. However, the Inspector considered that, the appeal site runs parallel with an all-weather pitch enclosed by fencing which is not accessible to the general public without prior booking and payment and that crossing the appeal site would not be the only option to playing fields via the protected green space in the area. The Inspector went on to say that it had not been demonstrated that such a link is a longstanding or safeguarded aspiration, there were footpath options in the vicinity and in these circumstances, a potential footpath link would not outweigh the benefits identified as arising from the equestrian use.

The Inspector concluded that the site did not form part of the intended green space for the adjacent housing development and that the use of the appeal site for equestrian purposes has had a greater overall benefit to the local community than the potential future use as a green space would, an occurrence which in any event was far from certain to occur. Consequently, the development accorded with Policy ITCR6 of the local plan, where it sets out the criteria under which the loss of green space will be permitted.

The Inspector concluded that the proposal failed to accord with Policy SS9 of the local plan as a type of new development in the countryside that is not referred to in that policy. However, the Inspector concurred with the Council that there was no harm in landscape or visual terms, and that there has been no notable built development involved. The Inspector concluded that the compliance with Policy ITCR6 and the community benefits which had arisen from the use outweighed what was a technical 'in principle' breach of Policy SS9 and meant that planning permission should be granted.

The appeal was allowed, and planning permission was granted for the change of use to equestrian and siting of 2 x wooden field shelters subject to a condition requiring compliance with the submitted plans and the use of the land and buildings to be for the

keeping of horses for private use only with no trade, business or commercial use being carried out.

The Inspector did not consider a condition requiring the field shelters being maintained in a dark colour was necessary. The Inspector also considered a condition limiting the planning permission to a temporary period was unnecessary because the use was considered acceptable and that its benefits outweighed the alternative benefits outlined by the Council, thus ensuring compliance with the relevant policy of the development plan that relates to the loss of green space.

### Recommendation

None. In this instance the Inspector agreed with the council's recommendation to approve the application and the interpretation of Policies SS9 and ITCR6 of the Local Plan but took a different view on the reasonableness of a temporary consent. The policies relating to the development are generally in line with the National Planning Policy Framework.

Committee members should ensure that if they determine an application contrary to an officer recommendation, that decision should be restricted to planning considerations and should be made in accordance with the Policies in the local plan unless the report advises of material planning considerations which indicate otherwise.

<b>Appendix No 2</b>	<b><u>Prior Approval Application Appeal Decisions Period July 2025 – December 2025</u></b>
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### **Appeal Ref: APP/R1010/W/25/3367844 17 Kingfisher View , Clowne, S43 4GP**

The appeal was made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development proposed was a storage building for forestry use.

### Main Issues

Part 6, Class E of the General Permitted Development (England) Order 2015 (the GPDO) permits the carrying out on land used for the purposes of forestry, development reasonably necessary for those purposes, including the erection of a building. The Council argued that the proposed development would not qualify as permitted development because the land was not used for forestry purposes and the erection of the proposed building would not be reasonably necessary.

The main issue in this case was therefore whether or not the land was used for forestry purposes and if so, whether or not the proposed building would be reasonably necessary for those forestry purposes.

### Conclusion

The Inspector concluded that the site area was not sufficient in size to be considered as a forest, and it therefore followed the land was not used for forestry purposes, and the proposed building couldn't be considered as associated permitted development. Accordingly, the Inspector found that the conditions and limitations of Class E of the GPDO had not been met. Given that the proposal couldn't be considered as permitted

development under Class E, it was not necessary to proceed to consider the matter of reasonable necessity in this case.

The appeal was dismissed.

Recommendations

None

The decision was made in accordance with the relevant legislation. The Inspector agreed with the interpretation of this legislation.

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>

## Bolsover District Council

### Meeting of the Planning Committee on 21<sup>st</sup> January 2026

#### 6 Monthly Enforcement Report – July – December 2025

#### Report of the Development Management and Land Charges Manager

<b>Classification</b>	This report is Public
<b>Report By</b>	Chris Whitmore Development Management and Land Charges Manager
<b>Contact Details</b>	01246 242294 <a href="mailto:chris.whitmore@bolsover.gov.uk">chris.whitmore@bolsover.gov.uk</a>

### PURPOSE/SUMMARY OF REPORT

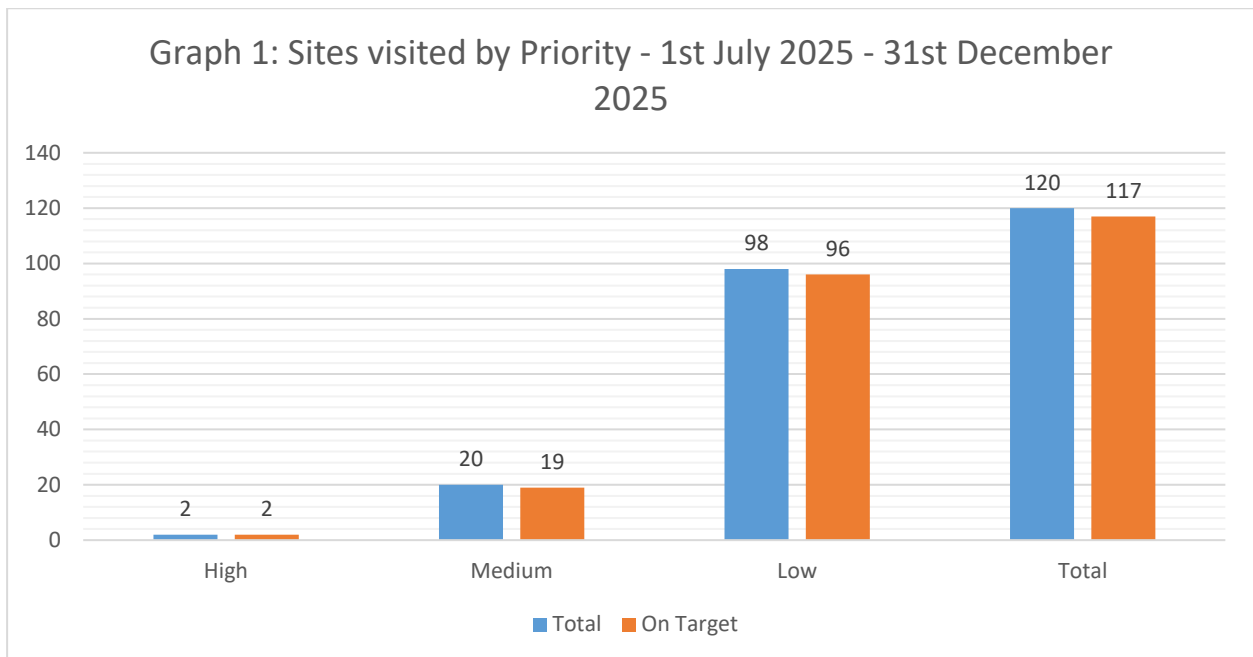
- To update the planning committee on performance against the service targets set out in the Local Enforcement Plan (Planning) (last updated September 2025) between 1<sup>st</sup> July 2025 – 31<sup>st</sup> December 2025 and provide an update on historic cases.

### REPORT DETAILS

#### 1. Background

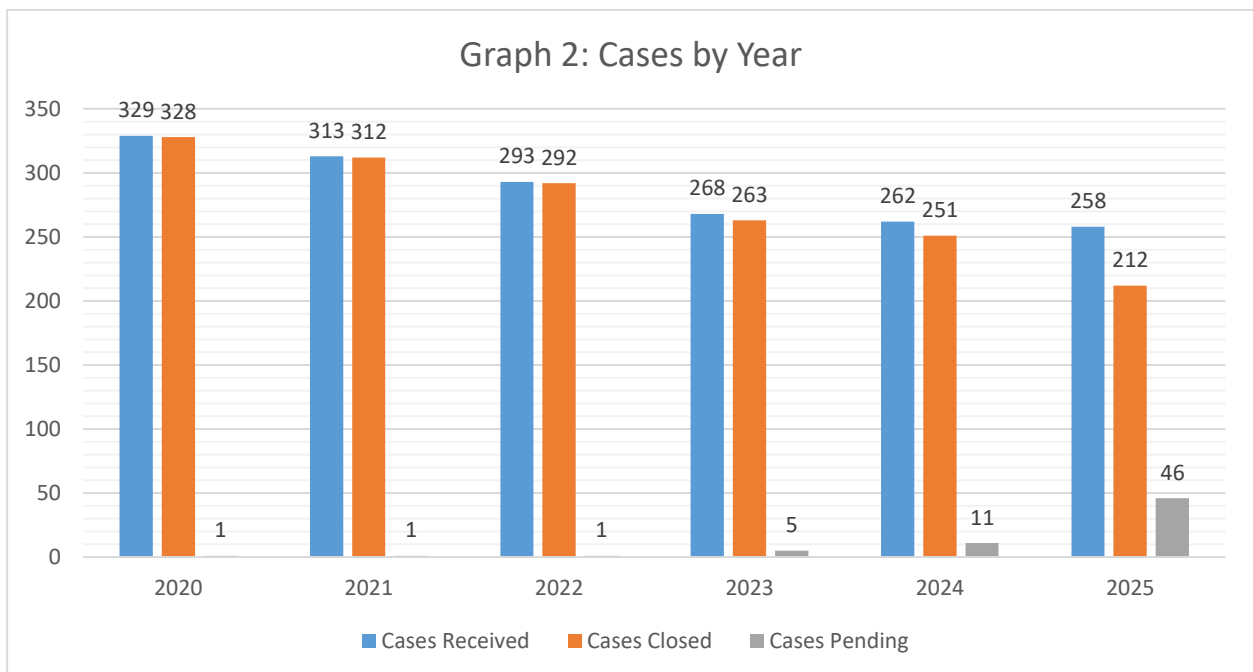
- 1.1 The Local Enforcement Plan was adopted by the Planning Committee in 2019. It was updated in May 2022 and more recently in September 2025. The Plan sets out the following service standards that Planning Enforcement Officers consider are specific, measurable, achievable and realistic:
- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified wherever possible, but within one working day, and a decision on what further action is required will be taken within **24 hours** of that site visit. By way of example a high priority case includes unauthorised works to a listed building, arboriculture on protected trees or demolition in a Conservation Area.
  - The site of a medium priority case will be visited within **two weeks** of identifying a suspected breach of planning control. A decision on what further action to take will be made within four weeks of that site visit. By way of example a medium priority case includes unauthorised development that contravenes planning policy, significantly impacts on local amenity or public safety, or results in harm to the character of a Conservation Area or setting of a listed building.

- The site of a low priority case will be visited within **six weeks** of identifying a suspected breach of planning control. A decision on what further action to take will be made within six weeks of that site visit. By way of example a low priority case includes unauthorised householder development, running small businesses from residential properties, unauthorised advertisements, and untidy land and buildings.
- 1.2 These service standards have been adopted to monitor how effective / responsive the department is to reports of breaches of planning control received by the planning department and helps highlight any capacity / resourcing issues, to ensure that good service delivery is maintained.
  - 1.3 The purpose of this report is to update planning committee members on the number of enforcement enquiries that have been received and investigated during the period July 2025 – December 2025, identify the cases where formal enforcement action has been taken and provide an update on the number of active and closed cases.
- 2. Details of Performance over the Review Period**
- 2.1 During the period 1<sup>st</sup> July 2025 – 31<sup>st</sup> December 2025, 120 unauthorised activity enquiries were received, down 10% on the previous 6 months review period. Two of these enquiries were high priority cases raised by officers as part of survey work undertaken and, as such, which were both visited / investigated within a 24-hour period.
  - 2.2 20 medium priority and 98 low priority cases were received. As a total, 99% of cases were visited within the target period set out in the Local Enforcement Plan. This excludes 2 recent cases received which have not yet been visited. This represents high performance and is a slight improvement on the previous 6-month reporting period.
  - 2.3 Of the 20 medium priority cases, 5 are currently pending consideration and 15 have been resolved / closed. Investigations began on 19 out of the 20 cases within two weeks (95%). Out of the 98 low priority cases, 23 are currently pending consideration and 73 have been resolved / closed. All the low priority cases (100%) were investigated and/or visited within the six-week target set out in the adopted Local Enforcement Plan, with only two recent cases awaiting a visit and/or investigation.
  - 2.4 Graph 1 below shows the number of cases visited within the target set by priority:



2.5 The above statistics highlight very high performance from the departments dedicated Enforcement Officer, who currently undertakes visits and carried out initial investigations for all new enquiries received.

2.6 Graph 2 shows the number of cases pending consideration broken down per year starting from 2020, against the total number received and closed (as no historic cases are pending consideration before this year).



2.7 Of the sole remaining cases open in the years 2020 - 2022 (E20/014 – Static Caravan, Site Of 11 Hyndley Road, Bolsover, E21/141- Unauthorised use of land for storage and the siting of a caravan for residential use at 123 Charlesworth Street, Carr Vale, Bolsover and E22/169 - Land South West Beaumont Cottage,

Hilcote Lane, Hilcote) Enforcement Notices have been served and are either the subject of an appeal or are being monitored by officers.

- 2.8 During the review period (July – December 2025) 4 no. enforcement notices have been served. The details of these notices are set out in the table below:

**Table 1: Enforcement Notices Served over the review period – July – December 2025**

<b>Reference</b>	<b>Location</b>	<b>Type and Date of Notice</b>
E21/141	123 Charlesworth Street, Carr Vale, Bolsover	Enforcement Notice – Issued 31 <sup>st</sup> October 2025
E24/234	Hillside Fordbridge Lane, South Normanton, Alfreton	Enforcement Notice – Issued 16 <sup>th</sup> October 2025
E25/130	Land To The Rear Of Leal Crest Cottage, Mill Lane, Pinxton	Stop Notice – Issued 25 <sup>th</sup> July 2025
E25/130	Land To The Rear Of Leal Crest Cottage, Mill Lane, Pinxton	Enforcement Notice – Issued 25 <sup>th</sup> July 2025

- 2.9 The above table indicates good performance in respect of formal planning enforcement action taken over the review period.

### **3. Reasons for Recommendation**

- 3.1 The planning enforcement service has performed well against the standards set within the updated Local Enforcement Plan over the review period, with regard to both promptly visiting sites where planning breaches have been reported to the Council and resolving cases.
- 3.2 Good progress has been made on progressing historic cases and resolving breaches of planning control, with four new formal notices have been served. A high number of planning applications have been received on the back of action taken and there have been instances of voluntary compliance to regularise breaches of planning control without the need to take formal action. Success has also been had with regard to securing developer contributions owing in respect of the Chesterfield Road, Barlborough development (Hawthorne Meadows) following the issuing of an Interim Injunction by the High Court in September 2024. This resulted in the submission and approval of a DoV application and payment of all developer contributions owed and a plan for the delivery of the open space and affordable housing during the review period.
- 3.3 During the review period officers have also updated the Enforcement Plan. The updated plan was reported to Planning Committee in September 2025. The targets contained within it were retained to ensure that investigations continue to

be time bound and performance can be monitored to ensure excellent customer service. Legislative changes and changes to staffing and practices that have procedural implications and impact on the implementation of the plan were also made.

- 3.4 It is recommended that the enforcement performance over the review period be noted and that the service standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

#### 4. **Alternative Options and Reasons for Rejection**

- 4.1 By not reporting on performance, members of the planning Committee would not have any understanding or oversight of the planning enforcement service and its effectiveness.

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### **RECOMMENDATION(S)**

1. That the report be noted.
  2. That the planning department's performance against the service standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.
- 

<b><u>Finance and Risk</u></b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Details:</b>		
<p>There are no significant cost implications involved with reporting performance against the Local Enforcement Plan but as noted below, this monitoring report may give rise to further consideration of the resources required by the enforcement team to work effectively.</p>		
On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection)</u></b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Details:</b>		
<p>Producing this type of monitoring report is consistent with advice in the Local Enforcement Plan that says the Plan will be monitored and reviewed to ensure it remains consistent with case law and/or any subsequent changes in national guidance or legislation and continues to enable planning enforcement to be carried out effectively within the District. However, there is no legal requirement to produce a monitoring report.</p>		
<p>The above report does not contain any personal data.</p>		



Where a case is still pending consideration, property addresses have not been provided to provide a reasonable amount of privacy for the landowners involved. Where the property is subject to formal action, the presence of an Enforcement Notice is a matter of public record, and that information is publicly available. Therefore, the way property addresses have been reported in the above report is considered to be consistent with the key principles in the GDPR.

On behalf of the Solicitor to the Council

**Staffing**      Yes ☐      No ☒

**Details:**

The adoption of and reporting on the targets set in the Local Enforcement Plan enables officers make the most efficient and effective use of resources by setting clear priorities and establishing a clear framework to work within. Performance is currently high, indicating that the service is appropriately resourced at this time.

On behalf of the Head of Paid Service

**Equality and Diversity, and Consultation**      Yes ☐      No ☒

**Details:**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

The Local Enforcement Plan seeks to ensure the effective enforcement of breaches of planning control in the wider public interest. It does not discriminate against specific individuals, in terms of the targets set. The protected characteristics of a person(s) would be a relevant consideration when deciding what action should be taken on individual cases and any recipient of such action would be able to exercise their right to appeal. This does not form part of the monitoring requirements of the Local Enforcement Plan.

**Environment**      Yes ☒      No ☐

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

Effective planning enforcement helps to ensure that the environmental impact of development is not set aside or given due consideration. The taking of enforcement action can remedy harm or ensure that it is offset / outweighed by other benefits. Effective service delivery helps to achieve this objective.

## **DECISION INFORMATION:**

<p><input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b></p> <p><b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.</p> <p><b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p><b>District Wards Significantly Affected:</b> <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick <b>All</b> if all wards are affected:</p>	<p><b>Yes</b> <input type="checkbox"/>    <b>No</b> <input checked="" type="checkbox"/></p> <p><b>(a)</b> <input type="checkbox"/>    <b>(b)</b> <input type="checkbox"/></p> <p><b>(a)</b> <input type="checkbox"/>    <b>(b)</b> <input type="checkbox"/></p> <p><b>All</b> <input checked="" type="checkbox"/></p>
<p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p><b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p><b>Leader</b> <input type="checkbox"/>    <b>Deputy Leader</b> <input type="checkbox"/>    <b>Executive</b> <input type="checkbox"/>    <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>    <b>Members</b> <input type="checkbox"/>    <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/></p>	<p><b>Yes</b> <input type="checkbox"/>    <b>No</b> <input checked="" type="checkbox"/></p> <p><b>Yes</b> <input type="checkbox"/>    <b>No</b> <input checked="" type="checkbox"/></p> <p><b>Yes</b> <input type="checkbox"/>    <b>No</b> <input checked="" type="checkbox"/></p>

### **Links to Council Ambition: Customers, Economy, Environment, Housing**

Providing excellent services and protecting the quality of life for residents and the environment.

<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>

**DOCUMENT INFORMATION:**

Appendix No	Title
n/a	

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>
n/a

DECEMBER 2024